MODESTO CITY COUNCIL
RESOLUTION NO. 91-515

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R & C FOODS
FOR FOOD AND BEVERAGE CONCESSION SERVICES AT MODESTO CREEKSIIDE GOLF COURSE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the
agreement between the City of Modesto and R & C Foods, for food and beverage
concession services at Modesto Creekside Golf Course

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the
designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of August , 1991, by
Councilmember Irizarry, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs , was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Martin

ATTEST: _______________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-516  

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SUSAN FISCOE  
FOR GOLF PROFESSIONAL SERVICES AT MODESTO MUNICIPAL, DRYDEN PARK AND MODESTO  
CREEKSIDE GOLF COURSES  

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the  
agreement between the City of Modesto and Susan Fiscoe for golf professional  
services at Modesto Municipal, Dryden Park and Modesto Creekside Golf Courses  
be, and it is hereby approved.  

BE IT FURTHER RESOLVED that the execution of said agreement by the  
designated city officials be authorized.  

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 6th day of August , 1991, by  
Councilmember Irizarry, who moved its adoption, which motion being duly  
seconded by Councilmember Dobbs, was upon roll call carried and the  
resolution adopted by the following vote:  

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore,  
Patterson, Mayor Lang  

NOES: Councilmembers: None  

ABSENT: Councilmembers: Martin  

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-517

A RESOLUTION ADOPTING THE LANDSCAPE DROUGHT POLICY FOR THE CITY OF MODESTO

WHEREAS, in anticipation of the passage of Assembly Bill 325 – Water Conservation: Landscape Ordinance, the Parks and Recreation Department has been working, with the support of the local Green Industry, to develop a comprehensive drought policy for landscaping for the City of Modesto; and

WHEREAS, the goal of this policy is to promote the conservation and efficient use of water.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Landscape Drought Policy", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORMINE COYLE, City Clerk
LANDSCAPE DROUGHT POLICY

BACKGROUND

Modesto is a city that has existed in a primarily agricultural environment for the past one hundred years. This experience has taught us that fertile soil combined with a lengthy growing season and ample amounts of water permit us to grow a very wide spectrum of plant material.

Now we find ourselves in an environment with new constraints. Crop land is covered with buildings and we are in the fifth year of drought. These new constraints have made an impact on one of our existing resources--water.

The impact of buildings (homes) has increased the demand for water to support new citizens, decreased the amount of water that percolates into the aquifer, and created numerous small water-intensive garden areas.

The impact of the drought is obvious. We have not received adequate precipitation to replenish underground water aquifers, and Sierra snow pack has not provided the surface water to fill our streams and rivers.

To mitigate this impact, we must look upon the use of water in our everyday lives. Water is a resource we, unfortunately, take for granted. It is necessary to acknowledge our limited water reservoir, the normal rainfall average of 12 inches/year, and the fact that we are subject to periodic droughts.

Given this situation, we must live within our means, including prudent use of water for every aspect of our daily lives. The City of Modesto has addressed some of those uses in the ordinance which regulates outdoor water use.
Landscaping is one use that, according to the California Department of Water Resources, accounts for 50% of the water consumed by a typical single family residence. The Modesto Public Works Department estimates that 50% of the water provided to commercial and residential users during the warm season is applied to landscaping. Most of that water is applied to lawns, and studies have shown that most users apply twice as much water to those lawns as is actually required.

Given the above scenario, it is the responsibility of the City of Modesto to develop a policy that will help its citizens survive in the future. With this in mind, a two-pronged attack has been developed to implement a landscape drought policy. This attack will address water use in both the residential and commercial sectors. The commercial sector can be monitored by the Parks and Recreation Department in its normal plan review process. That process clarifies and requires specific items on all new projects. The residential sector, which is not monitored by the Parks and Recreation Department, will receive instructional material from the City that will aid those citizens in their landscape water conservation efforts.

This policy would not apply to areas devoted to agricultural cultivation, areas using individual private well and ground water for landscaping, projects using reclaimed waste water for irrigation, public parks, golf courses, cemeteries, school recreation areas, and private active use recreational areas where the applicant can demonstrate that no other feasible alternative exists for turf ground cover. Consideration will also be given on a case-by-case basis for innovative solutions to irrigation water application.
POLICY OBJECTIVES

Through the adoption of this Landscape Drought Policy, it is the goal of the City of Modesto to promote the conservation and efficient use of water and to prevent the waste of this valuable resource. Compliance with this policy is expected to: reduce water consumption for residential landscaping by 40%; reduce water consumption for commercial landscaping by 50%; improve public awareness of proper watering techniques; encourage use of drought tolerant plants, and efficient irrigation systems on all new and redesigned residential landscape projects; require use of drought tolerant plants and efficient irrigation systems on all new and redesigned commercial landscape projects; and prepare the City of Modesto for compliance with Assembly Bill 325 - WATER CONSERVATION: LANDSCAPING ORDINANCE.

The goals of this policy will be accomplished by:

* providing landscape watering guides
* offering landscape irrigation system audits to residential water users
* establishing and enforcing more water efficient guidelines for new commercial landscape installations
* providing demonstration gardens on all new water well sites
* encouraging participation from local nurseries.
IMPLEMENTATION

Landscape Watering Guides

It shall be the policy of the City of Modesto to provide landscape watering guides to its citizens. These guides are designed to address the water needs of lawns, shrubs, and trees.

The following publications will be available upon request:
1. Lawn Watering Guide
2. Water Wise Guide for Lawns

These publications were developed in house with the aid of the Local Green Industry and the California Department of Water Resources Pamphlet, "Landscape Water Conservation Guidebook No. 8."

Landscape Irrigation System Audits

It shall be the policy of the City of Modesto to provide irrigation system audits to residential water users.

The irrigation system audits are available to a citizen upon request. The audits will be performed at no cost to the citizen by a City employee. That employee will be trained and certified by the Department of Water Resources to perform irrigation system audits.

The irrigation system auditor shall inspect the existing system and determine what correction can be made to that system to operate at its optimum efficiency. Citizens will not be charged a fee for this service.
By participating in this program, the water user can expect to reduce water consumption, and in the case of those users on water meters, monetary savings should be realized.

The City will also benefit from this program because it will reduce demand on its water supplies.

**Guidelines for New Commercial Landscape Installations**

It is the policy of the City of Modesto to review all new commercial landscape and irrigation drawings and installations whenever it is required by City of Modesto Municipal Code. These drawings and installations will be reviewed and inspected with water conservation in mind.

Water-conserving measures shall be built into new installations that will ultimately save time, money, energy, and water. With this in mind, it will be the policy of the City to encourage: (1) limitations on turf areas, (2) low-water using plants for non-turf areas, (3) proper plant spacing; (4) efficient irrigation methods and materials; (5) proper preparation of soil prior to planting; and (6) public demonstration gardens that provide examples of how the above conservation measures can be incorporated into new landscape installations.

Limitations of turf will apply to those areas which are difficult to irrigate efficiently. It shall be City policy to eliminate the use of turf from medians and narrow planting strips and on slopes in excess of 3:1. If turf areas must be provided, the installer will utilize warm season grasses or new low water-consuming varieties of cool season grasses.
The use of low-water using plants is encouraged in non-turf areas. The City will provide a list of recommended plants. This list will group plants by trees, shrubs and ground covers. The list shall indicate cultural needs and physical characteristics of the plants. The cultural needs will be referenced in a manner that permits the citizen to create compatible planting areas.

All commercial landscape project drawings will be reviewed with water efficiency in mind by the Parks and Recreation Department. The use of low gallonage systems with proper sprinkler and emitter head spacing, automated controllers with rain switches and soil moisture sensing capabilities, and annual irrigation scheduling will be required. The design of these systems shall be performed by qualified designers. Qualified designers would include: certified irrigation designers, licensed landscape contractors, architects, engineers, and landscape architects.

New commercial installations will also be reviewed for soil preparation techniques. These techniques will include proper grading of the site, appropriate tilling, addition of soil amendments as directed by soil testing, fertilization, and mulching of all planter areas.

All commercial installations will be inspected by the Parks and Recreation Department prior to the issuance of the certificate of occupancy for new buildings. This inspection will ensure that the project is installed according to the approved planting and irrigation drawings.
Demonstration Gardens

It shall be the policy of the City of Modesto to provide a water-conserving demonstration garden on all new water well sites located throughout the City to display how attractive, colorful, and practical water-efficient gardens can be.

The City shall also use xeriscape* landscapes in all future public open spaces to serve as an example to the citizens of Modesto.

Nursery Campaigns

It shall be the policy of the City of Modesto to encourage local nurseries to participate in the City's new landscaping policy. This encouragement will come by providing "Water Wise" information packets to the nurseries and speakers for programs sponsored by their associations. The packets will contain the "Water Wise" turf, shrub, tree guides, and plant list.

* Xeriscape can be defined as appropriate horticultural practices with an emphasis on water conservation. Common elements in xeriscape gardens include: zoning of irrigation to match soil and plant needs; improved irrigation scheduling; use of Mediterranean climate plant materials in California; and utilizing islands of plantings.
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-518 

A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREAT VALLEY MUSEUM TO AWARD A GRANT TO PRODUCE TWO PROGRAMS ON HABITATS IN THE GREAT VALLEY, FOR THE PUBLIC ACCESS CHANNEL ON CABLE TELEVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Great Valley Museum to award a grant to produce two programs on habitats in the Great Valley, for the public access channel on cable television be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-519

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY CARLO M. GARCIA, ATTORNEY, FOR TERESA CAROLLA ON BEHALF OF SEAN MICHAEL COROLLA, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by Carlo M. Garcia, Attorney, for Teresa Carolla on behalf of Sean Michael Carolla, against the City of Modesto was received on July 29, 1991, in the office of the City Clerk.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim by Carlo M. Garcia, Attorney, for Teresa Carolla on behalf of Sean Michael Carolla, received on July 29, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, CITY CLERK
MODESTO CITY COUNCIL
RESOLUTION NO. 91-520

A RESOLUTION APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD (SHELDON SPENCER)

WHEREAS, Section 1102 of the Charter of the City of Modesto
authorizes the City Council to appoint members to various Boards and
Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. The following person is hereby appointed to the
Downtown Improvement District Advisory Board:

   Sheldon Spencer

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Downtown
Improvement District Advisory Board and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 6th day of August
1991, by Councilmember Dobbs, who moved its adoption, which
motion being duly seconded by Councilmember Muratore, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-521

A RESOLUTION APPOINTING MEMBER OF THE CITIZENS ADVISORY COMMITTEE ON RECYCLING  
(KENNETH PLOUGH)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Citizens Advisory Committee on Recycling:

Kenneth Plough

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk

Committees

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course need to be revised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as follows:

**Monthly Tickets (Muni/Dryden/Creekside):**

<table>
<thead>
<tr>
<th>Ticket Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Unlimited Husband and Wife Ticket</td>
<td>$96.00</td>
</tr>
<tr>
<td>Monthly Unlimited Individual Ticket</td>
<td>$61.00</td>
</tr>
<tr>
<td>Monthly Junior Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Retired Disabled Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen Ticket</td>
<td>$41.00</td>
</tr>
<tr>
<td>Monthly Senior Citizen 70/01der Ticket</td>
<td>$23.50</td>
</tr>
<tr>
<td>School Golf Team Monthly Ticket</td>
<td>$41.00</td>
</tr>
</tbody>
</table>

**Regular Tickets (Muni):**

<table>
<thead>
<tr>
<th>Ticket Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - 9 Holes</td>
<td>$ 9.00</td>
</tr>
<tr>
<td>Weekdays - 18 Holes</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekends and Holidays/9 Holes</td>
<td>$11.00</td>
</tr>
</tbody>
</table>
Regular Tickets (Muni) continued:

<table>
<thead>
<tr>
<th>Tickets</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekends and Holidays/18 Holes</td>
<td>$15.00</td>
</tr>
<tr>
<td>Weekdays - Late Afternoon Play</td>
<td>$ 7.00</td>
</tr>
<tr>
<td>Weekends - Late Afternoon Play</td>
<td>$ 9.00</td>
</tr>
<tr>
<td>Wednesdays, 65/Older</td>
<td>$ 5.00</td>
</tr>
</tbody>
</table>

Regular Tickets (Dryden/Creekside):

<table>
<thead>
<tr>
<th>Tickets</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays - 9 Holes</td>
<td>$ 9.00</td>
</tr>
<tr>
<td>Weekdays - 18 Holes</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekends and Holidays - 9 Holes</td>
<td>$11.00</td>
</tr>
<tr>
<td>Weekends and Holidays - 18 Holes</td>
<td>$15.00</td>
</tr>
<tr>
<td>Late Afternoon Play</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

SECTION 2. TICKETS. (a) Monthly Tickets. Each monthly ticket issued will become invalid on the last day of the month issued and will not be validated for play on the golf courses until the appropriate monthly rate has been paid. Monthly tickets will not be valid on Saturdays, Sundays or holidays. Monthly ticket holders wishing to play during these periods shall be subject to the regular green fees.

(b) School Golf Team Tickets. Student tickets are to be issued only upon presentation by holder of a current high school or college student body card, said high school or college being located within the City of Modesto, and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member tickets shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season.
season. The specific spring school golf team season will be set by the golf professional after receiving the schools schedules of matches from each school coach.

(c) Senior Citizen Tickets. Senior Citizen tickets are to be issued only to persons sixty-five (65) years of age or older. A Medicare card or other proof of age and proof of residency must be displayed to obtain a Senior Citizen ticket.

(d) Senior Citizen – 65 or Older (Wednesdays). Residents of the County of Stanislaus, sixty-five (65) years of age or older, may play golf at the Nine-Hole Municipal Golf Course for a fee of Four and no/100ths ($4.00) Dollars if they display their Medicare card or other proof of age and residency to the starters at the Nine-Hole Municipal Golf Course on Wednesdays, between the hours of 9:00 a.m. and 3:00 p.m., except on holidays.

(e) Senior Citizen – 70 or Older. Senior Citizens, seventy (70) years of age or older, may play golf at the Nine-Hole Municipal Golf Course with a special monthly ticket at a fee of Twenty-three and 50/100ths ($23.50) Dollars if they display their Medicare card or other proof of age to the starters at the Nine-Hole Municipal Golf course on Mondays through Thursdays before the hour of 2:00 p.m., except on holidays.

(f) Retired/Disabled Ticket. Retired/Disabled tickets are to be issued only to those who are on disability retirement and who display proof of such disability retirement and proof of residency.

(g) Junior Tickets. Junior tickets are to be issued only to persons who are under 19 years of age and who possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.
SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.


SECTION 6. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established green fees.

SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after September 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

WHEREAS, it has been determined that certain Golf Fund adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1991-92,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in the attached Exhibits A and B be made to the Annual Budget of the City of Modesto for the Fiscal Year 1991-92.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Bird, Dobbs
ABSENT: Councilmembers: None

ATTEST: NORMA YAMAMOTO, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
### GOLF FUND COMPARATIVES
**PREPARED: JULY 31, 1991**

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>ADDITIONAL NEEDS</th>
<th>RECOMMENDED WITH NEW REVENUES</th>
<th>CHANGE FROM BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVAILABLE RETAINED EARNINGS JULY 1, 1991</td>
<td>87,032</td>
<td>87,032</td>
<td>87,032</td>
<td>0</td>
</tr>
</tbody>
</table>

**OPERATING REVENUES:**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MUNI 9-HOLE GOLF FEES</td>
<td>496,270</td>
<td>496,270</td>
<td>563,964</td>
<td>67,694</td>
</tr>
<tr>
<td>DRYDEN GOLF FEES</td>
<td>758,985</td>
<td>758,985</td>
<td>912,604</td>
<td>153,619</td>
</tr>
<tr>
<td>CREEKSIDE GOLF FEES</td>
<td>643,985</td>
<td>643,985</td>
<td>778,270</td>
<td>134,285</td>
</tr>
<tr>
<td>MUNI/DRYDEN/CREEKSIDE GOLF CART FEES</td>
<td>76,504</td>
<td>76,504</td>
<td>76,504</td>
<td>0</td>
</tr>
<tr>
<td>DRYDEN/CREEKSIDE DRIVING RANGE FEES</td>
<td>36,000</td>
<td>36,000</td>
<td>36,000</td>
<td>0</td>
</tr>
<tr>
<td>DRYDEN/CREEKSIDE CLUBHOUSE CONCESSION</td>
<td>33,200</td>
<td>33,200</td>
<td>33,200</td>
<td>0</td>
</tr>
<tr>
<td>MUNI/DRYDEN/CREEKSIDE PRO SHOP</td>
<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
<td>0</td>
</tr>
</tbody>
</table>

**TOTAL REVENUES**

| 2,051,944 | 2,051,944 | 2,107,542 | 355,598 |

**OPERATING EXPENSES**

| 1,447,695 | 1,447,695 | 1,447,695 | 0 |

**NET OPERATING INCOME**

| 604,249 | 604,249 | 959,847 | 355,598 |

**NONOPERATING EXPENSES (INDIRECT COST)**

| 247,088 | 247,088 | 247,088 | 0 |

**NET INCOME**

| 357,161 | 357,161 | 712,759 | 355,598 |

**PLUS: DEPRECIATION**

| 20,000 | 20,000 | 20,000 | 0 |

**LESS: DEBT SERVICE**

| 466,193 | 466,193 | 466,193 | 0 |

**LESS: SUPPLEMENTAL REQUESTS**

| 0 | 46,900 | 46,900 | 46,900 |

**LESS: CIP**

| 0 | 90,000 | 90,000 | 90,000 |

**UNDESIGNATED RETAINED EARNINGS JUNE 30, 1992**

| 0 | 136,900 | 218,698 | 218,698 |

---

### BOND LOAN COVENANT ANALYSIS

| NET INCOME | 357,161 | 357,161 | 712,759 | 355,598 |
| DEPRECIATION | 20,000 | 20,000 | 20,000 | 0 |
| DEBT SERVICE | 466,193 | 466,193 | 466,193 | 0 |
| COVENANT REQUIREMENT (10% OF DEBT SERVICE) | 46,419 | 46,419 | 46,419 | 0 |
| OVER/(UNDER) | 133,451 | 133,451 | 222,147 | 355,598 |

---

**FILE:** ENERO/123/GOLF/BUDCOMP.WK1
# GOLF ENTERPRISE FUND

**1991/92**

**PROPOSED SUPPLEMENTAL REQUESTS**

<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>ITEM</th>
<th>COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Creekside Grand Opening Celebration</td>
<td>$6,000</td>
</tr>
<tr>
<td>2.</td>
<td>Dryden Tri-Plex rotary mower</td>
<td>17,500</td>
</tr>
<tr>
<td>3.</td>
<td>Dryden Railroad ties for tee boarders</td>
<td>1,000</td>
</tr>
<tr>
<td>4.</td>
<td>Dryden Painting of clubhouse</td>
<td>2,500</td>
</tr>
<tr>
<td>5.</td>
<td>Dryden Entry sign</td>
<td>2,000</td>
</tr>
<tr>
<td>6.</td>
<td>Dryden Contract for control of rodents</td>
<td>17,000</td>
</tr>
<tr>
<td>7.</td>
<td>All Courses USGA Turf Advisory Visit</td>
<td>900</td>
</tr>
</tbody>
</table>

**TOTAL** $46,900
# Capital Improvement Plan


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dryden - Pesticide Storage Facility</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryden - Above-Ground Fuel Storage Tanks</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryden - Automate Irrigation - Design</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryden - Driving Range Lights</td>
<td></td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryden - Automate Irrigation - Const. - Phase I</td>
<td>250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muni - Post &amp; Cable Fencing</td>
<td></td>
<td></td>
<td>17,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muni - Cart Path Improvement</td>
<td></td>
<td></td>
<td></td>
<td>75,000</td>
<td></td>
</tr>
<tr>
<td>Dryden - Cart Path Improvement - Phase I</td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Dryden - Automate Irrigation - Const. - Phase II</td>
<td>250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creekside - Cart Path Improvement</td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Dryden - Tees &amp; Greens Replacement - Phase I</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>Dryden - Cart Path Improvement - Phase II</td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Dryden - Automate Irrigation - Const. - Phase III</td>
<td>250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muni - Tees &amp; Greens Replacement</td>
<td></td>
<td></td>
<td></td>
<td>90,000</td>
<td></td>
</tr>
<tr>
<td>Dryden - Automate Irrigation - Const. - Phase IV</td>
<td>250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dryden - Clubhouse Renovation</td>
<td></td>
<td></td>
<td></td>
<td>400,000</td>
<td></td>
</tr>
<tr>
<td>Muni - Clubhouse Renovation</td>
<td></td>
<td></td>
<td></td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>90,000</strong></td>
<td><strong>307,000</strong></td>
<td><strong>425,000</strong></td>
<td><strong>490,000</strong></td>
<td><strong>750,000</strong></td>
</tr>
</tbody>
</table>

**Total Five-Year Capital Improvement Plan - 2,162,000**
WHEREAS, the Council of the City of Modesto adopted Ordinance No. 2521-C.S., effective August 6, 1987, which enacted on a permanent basis Sections 8-1.904 et seq. of the Modesto Municipal Code relating to creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, Capital Facilities Fees are currently set forth in Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90, and

WHEREAS, Modesto City Schools is working with a private developer to design an office building on Reno Avenue specifically to house District functions, and

WHEREAS, the office building is being designed with the District's specific needs in mind but will be constructed for general office use, and

WHEREAS, Modesto City Schools anticipates leasing the building for five years with a possible five year extension, and
WHEREAS, by letter to Planning Department staff on March 6, 1991, Deborah S. Bailey, Director of Planning and Research at Modesto City Schools, requested a deferral of Capital Facilities Fees as long as the office building is in public use, and

WHEREAS, by letter dated April 29, 1991, City staff advised Deborah S. Bailey that the Infrastructure Task Force had reviewed her letter requesting deferral of Capital Facilities Fees and that a determination had been made that a deferral could not be granted since there was no provision in the Capital Facilities Fees Resolution for fee deferral, and

WHEREAS, by letter dated July 31, 1991, Deborah S. Bailey appealed the staff decision to assess Capital Facilities Fees on said office project, and

WHEREAS, said request for deferral of Capital Facilities Fees was before the City Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., at its meeting of August 13, 1991, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby deny the request of Deborah S. Bailey for a deferral of Capital Facilities Fees for the office building to be leased by Modesto City Schools on Reno Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

081491

-3-

10918CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 91-525

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE AIRPORT TERMINAL APRON RECONSTRUCTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Airport terminal apron reconstruction, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 12, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF C.W. DELTA ROOFING, INC. FOR THE REROOFING OF FIRE STATION NO. 5

WHEREAS, Resolution No. 91-446, adopted by the Council of the City of Modesto on July 2, 1991, approved the plans and specifications for the reroofing of Fire Station No. 5 and authorized the calling for bids; and

WHEREAS, the bids received for the reroofing of Fire Station No. 5 were opened at 11:05 a.m. on July 25, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of C.W. Delta Roofing, Inc. in the amount of $45,162.88 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C.W. Delta Roofing, Inc. be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-527

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICE PROGRAM/SENIOR NUTRITION PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Service Program/ Senior Nutrition Program for a grant of $36,347 under the Community Development Block Grant Program for fiscal year 1991-1992

be, and It is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August , 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:
MORRINE COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR SENIOR EMPLOYMENT/SENIOR AIDES PROGRAM FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Center for Senior Employment/Senior Aides Program for a grant under the Community Development Block Grant Program for fiscal year 1991-92 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-529

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HORN CONSTRUCTION COMPANY FOR REIMBURSEMENT FOR A SEWER LATERAL EXTENSION FOR PINE TREE VILLAGE NO. 3 SUBDIVISION AT ROBERTSON ROAD AND MARLOW STREET

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Horn Construction Company for reimbursement for a sewer lateral extension for Pine Tree Village No. 3 Subdivision at Robertson Road and Marlow Street be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES:    Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: H. ORRIN COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORANGEBURG PARK, INC. FOR REIMBURSEMENT FOR INCREASED COSTS TO INSTALL A SANITARY SEWER LIFT STATION AT THE ORANGEBURG PARK SUBDIVISION ON E. ORANGEBURG AVENUE AND CITRUS DRIVE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Orangeburg Park, Inc. for reimbursement for increased costs to install a sanitary sewer lift station at the Orangeburg Park Subdivision on E. Orangeburg Avenue and Citrus Drive be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:

NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-531

A RESOLUTION ACCEPTING IMPROVEMENTS IN RIVER BEND ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Daniel and Joan Dickey, subdividers of River Bend Estates, have filed subdivision bonds for faithful performance and labor and materials in the amount of $547,100.00 and $273,550.00 respectively to guarantee improvements in River Bend Estates Subdivision and;

WHEREAS, the Director of Public Works in a memorandum dated August 2, 1991, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in River Bend Estates Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $547,100.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $273,550.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: J. WORMING COYLE, City Clerk
RESOLUTION NO. 91-532

A RESOLUTION APPROVING COMPREHENSIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIREFIGHTERS ASSOCIATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and Modesto City Firefighters Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:  
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-533

A RESOLUTION AGREEING TO BECOME A MEMBER OF STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO).

WHEREAS, the City Council has declared that affordable housing in the City of Modesto is a priority concern, and

WHEREAS, at the City Council meeting of August 13, 1991, a presentation was made by representatives of the Stanislaus County Affordable Housing Corporation (STANCO), a non-profit housing development corporation, explaining its services and how it could assist the City of Modesto with the City's housing concerns, and

WHEREAS, affordable housing is an eligible activity under the Community Development Block Grant Program and funds are budgeted for the Fiscal Year 1991-92 for said Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby agrees to become a member of the Stanislaus County Affordable Housing Corporation (STANCO), a non-profit housing development corporation.

BE IT FURTHER RESOLVED that payment of Five Hundred and no/100ths ($500.00) Dollars is hereby authorized through the Community Development Block Grant Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-534

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM BY JACK M. JACOBSON, LAWYER, ON BEHALF OF MODESTO CITY SCHOOLS, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim by Jack M. Jacobson, Lawyer, on behalf of Modesto City Schools, against the City of Modesto, was received on August 6, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim by Jack M. Jacobson, Lawyer, on behalf of Modesto City Schools, against the City of Modesto, received on August 6, 1991, in the office of the City Clerk, City of Modesto, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRIN COYLE, City Clerk
AMENDED

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PARSONS BRINKERHOFF QUAYE & DOUGLAS TO PROVIDE ARCHITECTURAL SERVICES FOR THE TRANSPORTATION CENTER PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Parsons Brinckerhoff Quade & Douglas to provide architectural services for the Transportation Center project which were not included in the scope of work of the original agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEND: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-536

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE  
CITY OF MODESTO TO TRANSFER FOUR THOUSAND THREE HUNDRED  
FOURTEEN ($4,314) DOLLARS FROM THE POLICE ASSET FORFEITURE  
TRUST ACCOUNT.

WHEREAS, the sum of Four Thousand Three Hundred Fourteen ($4,314)  
Dollars is available in the Police Asset Forfeiture Trust Account, and  

WHEREAS, the Council desires to transfer said sum to the General  
Fund Police Department and appropriate it for the acquisition of a photo  
processor and a paper shredder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the 1991-92 Annual Budget be amended as follows:

<table>
<thead>
<tr>
<th>General Fund (Fund 010)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>010-190-0000-7202</td>
</tr>
<tr>
<td>Expenditure</td>
</tr>
<tr>
<td>010-190-1901-5011</td>
</tr>
<tr>
<td>010-190-1901-5012</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby  
authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dobbs

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91- 537

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GALLO GLASS COMPANY FOR THE LEASE OF MARK TWAIN PARK SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Gallo Glass Company for the lease of Mark Twain Park site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

JUDY C. HALL, Acting City Clerk
MODesto City Co uncil
ResoluTion No. 91- 538

A Resolution Approving Agreement Between the City of Modesto and Turlock Irrigation District for an Electrical Service Easement Needed to Operate City Water Tank on Crows Landing Road

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District for an electrical service easement needed to operate City water tank on Crows Landing Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-539

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE LEASE OF MANCINI BAND HALL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for the lease of the property the Mancini Band Hall is located on be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-540

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE CITY OF MODESTO AND HOUSING AUTHORITY OF STANISLAUS COUNTY FOR THE RENTAL REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding agreement between the City of Modesto and the Housing Authority of Stanislaus County for the Rental Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION ADOPTING THE CITY OF MODESTO RENTAL REHABILITATION PROGRAM TENANT ASSISTANCE POLICY

WHEREAS, the Department of Housing and Urban Development requires an adopted written Tenant Assistance Policy and will require one as a condition for considering the City of Modesto's request for funds under the Rental Rehabilitation Program; and

WHEREAS, the policy will be the vehicle for stating how the City will assist tenants who are currently living in units rehabilitated with Rental Rehabilitation funds, and must be consistent with Rental Rehabilitation Program and Uniform Relocation Act and any other regulations such as the Barney Frank Amendment.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled "City of Modesto Rental Rehabilitation Program Tenant Assistance Policy (TAP)", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: ____________________________
JUDY C. HALL, Acting City Clerk
In order to comply with the Rental Rehabilitation Program (RRP) regulations, 24 CFR 511.14 (a)(4), the City of Modesto is required to adopt a written Tenant Assistance Policy (TAP). The policy is the vehicle for stating how the city will assist tenants who are currently living in units rehabilitated with RRP funds. It must also be consistent with Rental Rehabilitation Program and Uniform Relocation Act (URA) and any other regulations, such as the Barney Frank Amendment. Additionally, the city must define its strategy for assisting tenants who are affected by rehabilitation when RRP funds are used.

The following information is provided to inform the citizens of the City of Modesto of its Tenant Assistance Policy (TAP):

I. WHAT RELOCATION ASSISTANCE IS AVAILABLE TO PERSONS DISPLACED BY A RENTAL REHABILITATION PROGRAM PROJECT?

The information on the relocation assistance available to persons displaced by Rental Rehabilitation Projects is described in the HUD Informational Brochure entitled "Relocation Assistance to Tenants Displaced from Their Homes." In the case of businesses being displaced, a brochure is available entitled, "Relocation Assistance to Displaced Business, Nonprofit Organizations and Farms." Copies of these brochures are available at the Housing Program Office, 401 "H" Street, (4th and "H" Streets), Modesto, California, 95351, (209) 577-5245.

The Section 8 Renter's Assistance Voucher/Certificate Program is administered by the Housing Authority of the County of Stanislaus, 1701 Robertson Road, Modesto Ca, 95351, (209) 523-0705. This program assists low income tenants by subsidizing their rent down to 35% of their adjusted income. It may assist a qualified tenant after he/she has been temporarily relocated or permanently displaced as a result of housing rehabilitation which is funded by the City of Modesto's Rental Rehabilitation Program.

II. WHAT ARE THE CONDITIONS OF ELIGIBILITY FOR RELOCATION ASSISTANCE?

a. The unit must be within the City of Modesto city limits.

b. The rehabilitation work to be performed must be to eliminate health and safety hazards cited by the City of Modesto Building Inspector and/or the City of Modesto Housing Rehabilitation Specialist.

c. The rehabilitation is financed by Community Development Block Grant (CDBG) and/or Rental Rehabilitation Program (RRP) funds. In addition, please refer to HUD Information Brochure entitled "Relocation Assistance to Tenants Displaced from Their Homes" and/or the brochure directed towards Business/Farms. This document can be reviewed or obtained at the Housing Program Office.
III. WHEN AND HOW ARE TENANTS NOTIFIED?

The appropriate written notices that a household to be temporarily or permanently displaced include the following which are available at the Housing Program Office:

a. At the time the property owner applies for Community Development Block Grant funds and/or Rental Rehabilitation Program funds, the Housing Program Office staff presents the "Temporary Relocation Handout" for owner-occupants or tenants in person or by sending it by certified or registered first-class mail with a return receipt requested.

b. At the time of execution of the agreement to rehabilitate the property, Housing Program Office staff presents a "Guideform Notice of Relocation Eligibility" to any permanently displaced household either in person or by certified or registered first-class mail with a return receipt requested.

c. Or, at the time of execution of the agreement to rehabilitate the property, Housing Program Office staff presents a "Notice of Non-displacement." The notice explains the reasonable terms and conditions under which the person(s) can occupy and lease the property upon completion. Households are notified either in person or by certified or registered first-class mail.

IV. WHAT RESOURCES ARE AVAILABLE TO ASSIST TENANTS?

Basic relocation assistance includes the following:

a. Free advisory services.

b. Free timely informational notices.

c. Free counseling and referrals to comparable replacement dwellings and suitable replacement business locations for businesses being relocated.

d. Payment of reasonable moving expenses, including packing and insurance, if authorized in advance of the move.

e. Free explanation or referral for explanation of rights under Fair Housing Act and replacement housing opportunities.

f. A choice between relocating within tenants' neighborhood and other neighborhoods depending on availability of desired housing units.

g. Payment of utility transfer charges if authorized in advance of the transfer.
h. Payment of relocation allowance and moving allowance if authorized in advance of the relocation.

i. For tenants who elect to obtain a cash replacement housing assistance, provision of sufficient financial assistance to enable tenants to rent or buy a dwelling on a long term basis, if circumstances of the tenants displaced warrant this cash settlement. This assistance is subject to advance approval by the Rehabilitation Loan Pool Subcommittee, based upon Rules and Regulations set by and periodically amended by HUD.

j. Free one time subscription to rental referral service.

k. Free assistance with obtaining professional movers to move tenant to temporary relocation unit and back to permanent unit when rehabilitation is completed.

V. WHO WILL PERFORM WHAT FUNCTIONS?

The Stanislaus County Housing Authority will perform the following functions:

a. In conjunction with City staff, conduct initial inspection of units proposed for Rental Rehabilitation Program.

b. Determine family eligibility with respect to family size, need and income.

c. Calculate Tenant Rent, Housing Assistance Payment and prepare Lease Agreement, Housing Assistance Payment (HAP) Contract and related documents.

d. In instances where a family is determined to be ineligible, render a determination jointly with the Housing Program Office staff regarding assistance to the family and whether or not to continue with the proposed rehabilitation of the unit.

e. Conduct annual review of tenant eligibility and provide continued processing of Section 8 Certificates or vouchers and assistance.

The City, through its Housing Program Office (HPO) Staff, will perform the following functions:

a. Contact owners, lenders and contractors with whom it has previously established a relationship through the existing Housing Maintenance Program (HMP).

b. In conjunction with the Housing Authority staff, conduct initial inspection of units proposed for the Rental Rehabilitation Program.
c. Perform preliminary feasibility analysis of submitted proposals, to include a listing of deficiencies and preparation of a rough cost estimate of rehabilitation work necessary to bring the project up to existing Section 8 Housing Quality Standards (HQS) and applicable municipal codes.


e. Provide assistance to owners in solicitation of bids.

f. Review, rank and select proposals for which Rental Rehabilitation funds are to be used.

g. Provide assistance to owners in the selection of a contractor.

h. Determine amount of rehabilitation funds to be provided by the City under the program.

i. Inform tenants of work to be done and relocate them as needed.

j. Provide assistance to the owner in obtaining financing through the Housing Program Office.

k. Provide assistance to tenants with moving and storing their household items from their unit when the extent of rehabilitation of the project requires it.

l. Provide assistance to tenants with moving their household items from their unit when permanent relocation is required.

m. Conduct inspections during rehabilitation, monitor construction contract compliance, and review change order requests.

n. Conduct final inspections in conjunction with Housing Authority staff.

o. Set up and maintain a Cash Management and Information System for each approved project.

p. Receive and review acceptable completion documents and final acceptance of rehabilitation work.

q. Process and approve progress and final payments to contractors.

r. Provide assistance to tenants in moving back into rehabilitated units from which they moved.

s. Provide assistance to permanently displaced tenants through monitoring and referrals to social service agencies.
t. Provide on-going monitoring of owner's responsibilities under the Rental Rehabilitation Program, as well as continued compliance with grant conditions during the ten (10) year period following the completion of rehabilitation of the project.

VI. UNDER WHAT CIRCUMSTANCES WILL SECTION 8 EXISTING RESOURCES BE MADE AVAILABLE?

The Housing Authority shall be obligated to issue a Section 8 certificate or housing voucher to any very low income family using the HUD guidelines:

   a. Who is living in a Rental Rehabilitation Project.

   b. Who is physically displaced because of rehabilitation activities, overcrowding, a change in the use of the unit, or;

   c. Who has a post-rehabilitation rent burden in excess of thirty-five (35) percent of the adjusted household income and who might not otherwise be entitled to a Federal Preference.

Where necessary and to the extent deemed appropriate, the Housing Authority shall utilize its ten (10) percent discretionary authority for providing assistance to non-Federal Preference families (this information is agreed to in the current Memorandum of Understanding that was executed between the City and the Housing Authority).

Note: The Housing Authority will determine tenant eligibility and calculate tenant rent and Housing Assistance Payment based on its current Administrative Plan which is available at the Housing Authority office at 1701 Robertson Road, Modesto, Ca. 95351.

VII. WHAT ARE THE POLICIES GOVERNING TEMPORARY RELOCATION OF PERSONS NOT DISPLACED?

Any family is entitled to be temporarily relocated if the following criteria are met:

   a. The family is living in a dwelling undergoing extensive repairs financed by Rental Rehabilitation program funds;

   b. Families living in the dwelling with loss of electrical and/or plumbing, or sanitary living conditions during the course of the rehabilitation financed by the Rental Rehabilitation Program.

Housing Program Office staff will make recommendations to the Rehabilitation Loan Pool Subcommittee who will make the final determination. Further policies about temporary relocation are set out in the Temporary Relocation handouts that are given to participants at the beginning of the application process.
VIII. WHAT IS THE POLICY ON NON-DISCRIMINATION?

The City of Modesto will comply with Equal Housing Opportunity and Nondiscrimination requirements under the Fair Housing Act, Section 301 of the Housing and Urban Development Rural Recovery Act of 1983, Pub. Law No. 98-181, Statute No. 1153. The City will comply with the statement of nondiscrimination in providing information, counseling, referrals or other relocation services to persons displaced by rental rehabilitation activities. The City actively supports Equal Housing Opportunity and it will not participate in displacement of persons because of their race, creed, color, religion, sex, age, handicap, familial status or national origin.

IX. WHAT INFORMATION AND COUNSELING IS AVAILABLE FOR TENANTS IN PROJECTS TO BE REHABILITATED WITH RENTAL REHABILITATION PROGRAM FUNDS?

Information and counseling is available for tenants in projects to be rehabilitated with Rental Rehabilitation Program funds in the following areas:

a. Opportunity to select a replacement dwelling from a full range of available choices assisted by Housing Program Office staff.

b. Rights under Federal Fair Housing Law assisted by California Rural Legal Assistance (CRLA), Equality Council for Housing Opportunity of Stanislaus County (ECHOS) and the Human Relations Commission.

c. Assistance in the search for suitable replacement housing by Housing Program Office staff.

d. Rental Assistance Programs assisted by Housing Authority of Stanislaus County staff and Housing Program Office staff.

X. WHAT RESOURCES ARE AVAILABLE FOR TENANTS AND HOW CAN THEY BE USED?

The following is a list of some of the resources that are available for tenants and how they can be used:

a. Community Development Block Grants (CDBG) funds - may be used for moving and relocation expenses as needed as approved by the Rehabilitation Loan Pool Subcommittee (RLPS) and provided for in the Rules and Regulations.

b. Section 8 Certificates and Vouchers - an eligible tenant living in a unit where the owner has applied for and will be receiving Rental Rehabilitation Program funds, may qualify for and receive Section 8 rental assistance.
c. **Owner Resources** - The owner of a unit undergoing rehabilitation using CDBG and/or RRP funds is required to provide financial assistance to an eligible tenant in case of permanent relocation.

d. **Rental Rehabilitation Program Income** - funds may be used for moving and relocation expenses as needed, as approved by the Rehabilitation Loan Pool Subcommittee (RLPS) and provided for in the Rules and Regulations.

e. **Other Resources** - tenants in need will be referred to other available community service organizations, such as Salvation Army, Community Temporary Shelter Service, Sunshine Place, etc. which may provide some relief.

**XI. WHO WILL PERFORM THOSE FUNCTIONS LISTED ABOVE?**

The Housing Authority of the County of Stanislaus and rental property owners have primary responsibility. The City and Housing Authority functions are already spelled out throughout this manual. However, the property owner's functions are not covered and are therefore listed below:

a. The owner will provide a copy of the existing Rental Agreement and a completed Tenant Beneficiary Profile for each household involved in the rehabilitation when the initial loan package is submitted to the City's Housing Program Office.

b. When necessary, the owner will serve the tenants with the proper legal notices, i.e. "30 Day Notice," etc. and will forward a copy to the Housing Program Office staff.

c. The owner will notify Housing Program Office staff of any back due rent owed by the household. The City of Modesto strongly discourages permanent displacement and, depending on the particular circumstance, the property owner will be responsible for all costs associated with permanent displacement.

**XII. WHO CAN OBTAIN COPIES OF THE TENANT ASSISTANCE POLICY (TAP)?**

Each tenant living in a project funded in part with Rental Rehabilitation Program funds will receive and sign for a copy of this policy. A copy of this policy also shall be made available to members of the general public upon request to the Housing Program Office, 401 "H" Street, Modesto, California, 95351.

**XIII. HOW CAN RECOMMENDATIONS FOR CHANGES TO THE TENANT ASSISTANCE POLICY (TAP) BE PRESENTED?**

Recommendations for changes to this Tenant Assistance Policy (TAP) may be made in writing to the Housing Program Office, 401 "H" Street, Modesto, California, 95351.
ACKNOWLEDGMENT OF RECEIPT OF A COPY OF THE TENANT ASSISTANCE POLICY:

By signing below I (we) certify that I (we) have received a copy of this Tenant Assistance Policy (TAP) and have been encouraged and offered the opportunity to ask questions about its contents. I (we) have also been advised to review it with any person of my (our) choice if necessary.

Address:__________________________________________________________

Printed Name:__________________________________________

Signature:_________________________________ Date:______________
Tenant

Printed Name:__________________________________________

Signature:_________________________________ Date:______________
Tenant

Printed Name:__________________________________________

Witness:____________________________
MODESTO CITY COUNCIL
RESOLUTION NO. 91-542

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR $250,000 FOR THE RENTAL
REHABILITATION PROGRAM FOR THE CITY'S HOUSING PROGRAM OFFICE FOR 1991-92

BE IT RESOLVED by the Council of the City of Modesto that the submission
of an application for $250,000 of Rental Rehabilitation Grant funds for fiscal
year 1991-92 for the rehabilitation of low-income rentals is hereby approved.

BE IT FURTHER RESOLVED that the execution of the application by the
City's designated official, J. Edward Tewes, City Manager, be and it is
hereby authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of August, 1991, by
Councilmember Patterson who moved its adoption, which motion being duly
seconded by Councilmember Martin, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-543

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPEAL FROM RIDGE SUTTER, SUTCO CONSTRUCTION, TO A DECISION OF THE CHIEF BUILDING OFFICIAL CONCERNING PAYMENT OF PLAN CHECK FEES FOR PROMENADE PARK TOWNHOUSE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that September 10, 1991, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal from Ridge Sutter, Sutco Construction, to a decision of the Chief Building Official concerning payment of plan check fees for Promenade Park Townhouse Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _20th_ day of August, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-544

A RESOLUTION AMENDING EXHIBIT "B" OF MODESTO CITY COUNCIL RESOLUTION NO. 86-1184 TO REVISE RENTAL RATES AT THE MODESTO CENTRE PLAZA, AND RESCINDING RESOLUTION NO. 90-546.

WHEREAS, on October 14, 1986, the Council by Resolution No. 86-1184 approved the Modesto Community Center Policies and Rental Rates, and

WHEREAS, on May 22, 1990, the Council by Resolution No. 90-546 Amended Exhibit "B" of Council Resolution No. 86-1184, and

WHEREAS, City staff has recommended a revised rate schedule for all persons to whom a license for Modesto Centre Plaza use is issued after September 1, 1991, and

WHEREAS, a public hearing was set for August 13, 1991, which was continued to August 27, 1991, at 4:00 p.m. in the Council Chambers, 801 11th Street, Modesto, California, for the purpose of considering revising the rental rates for the Modesto Centre Plaza, and

WHEREAS, said public hearing was held at which time said matter was considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Exhibit "B" of Modesto City Council Resolution No. 86-1184 is hereby amended and that the revised rental rates for use of the Modesto Centre Plaza are hereby approved as set forth on Exhibit "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that all other provisions of Modesto City Council Resolution No. 86-1184 not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that Resolution No. 90-546 adopted on May 22, 1990, is hereby rescinded effective August 31, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
## Proposed Modesto Centre Plaza Rental Rates

### Upper Level

<table>
<thead>
<tr>
<th>SPACE</th>
<th>Private Full Day</th>
<th>Private Half Day</th>
<th>Nonprofit Full Day</th>
<th>Nonprofit Half Day</th>
<th>Rehearsal Day</th>
<th>Overtime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harvest Hall</td>
<td>$1,535</td>
<td>$1,150</td>
<td>$960</td>
<td>$715</td>
<td>$780/480</td>
<td>$120/hr.</td>
</tr>
<tr>
<td>(16,000 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Includes Tuolumne, Stanislaus, and San Joaquin Rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuolumne Room</td>
<td>$925</td>
<td>$670</td>
<td>$575</td>
<td>$425</td>
<td>$460/290</td>
<td>$70/hr.</td>
</tr>
<tr>
<td>(9,600 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stanislaus Room</td>
<td>$325</td>
<td>$245</td>
<td>$205</td>
<td>$150</td>
<td>$160/100</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>(3,400 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Joaquin Room</td>
<td>$190</td>
<td>$150</td>
<td>$120</td>
<td>$100</td>
<td>$75/60</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>(2,000 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arbor Theatre</td>
<td>$385</td>
<td>$290</td>
<td>$240</td>
<td>$180</td>
<td>$190/120</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>(4,000 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Lobby*</td>
<td>$1,535/660</td>
<td>$1,150/450</td>
<td>$960/380</td>
<td>$715/280</td>
<td>$770/480</td>
<td>$60/hr.</td>
</tr>
<tr>
<td>(6,300 SF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park Plaza*</td>
<td>$1,535/660</td>
<td>$1,150/450</td>
<td>$960/380</td>
<td>$715/280</td>
<td>$770/480</td>
<td>$70/hr.</td>
</tr>
</tbody>
</table>

*The higher rate applies for those that are not renting the Harvest Hall.
# Proposed Modesto Centre Plaza Rental Rates

## Lower Level

<table>
<thead>
<tr>
<th>Space Description</th>
<th>Private Full Day</th>
<th>Private Half Day</th>
<th>Nonprofit Full Day</th>
<th>Nonprofit Half Day</th>
<th>Rehearsal Day Private/Nonprofit</th>
<th>Overtime</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Lower Level Meeting Rooms 4,000 SF (Includes Pistache, Ginkgo, Ash, and Magnolia Rooms)</td>
<td>$510</td>
<td>$380</td>
<td>$300</td>
<td>$228</td>
<td>$250/$150</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Pistache AND Ginkgo Rooms 2,400 SF</td>
<td>$360</td>
<td>$270</td>
<td>$215</td>
<td>$160</td>
<td>$180/$110</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Pistache Room 1,200 SF</td>
<td>$180</td>
<td>$150</td>
<td>$105</td>
<td>$100</td>
<td>$100/$60</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Ginkgo Room 1,200 SF</td>
<td>$180</td>
<td>$150</td>
<td>$105</td>
<td>$100</td>
<td>$100/$60</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Ash AND Magnolia Rooms 1,600 SF</td>
<td>$240</td>
<td>$180</td>
<td>$145</td>
<td>$105</td>
<td>$120/$70</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Ash Room 800 SF</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$90/$60</td>
<td>$30/hr.</td>
</tr>
<tr>
<td>Magnolia Room 800 SF</td>
<td>$150</td>
<td>$150</td>
<td>$100</td>
<td>$100</td>
<td>$90/$60</td>
<td>$30/hr.</td>
</tr>
</tbody>
</table>

1. All those that use the Modesto Centre Plaza caterer to provide a full meal will receive a rental discount equal to 10% of their catering cost before taxes and gratuities.
2. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.
3. All events with commercial booths will be charged the listed rental rate or $.22 per net square foot, whichever is greater.
4. Half-day rates are not available on Friday, Saturday, or Sunday.
A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF PERMITS TO OPERATE AMUSEMENT MACHINES AND LOCATION PERMITS.

WHEREAS, Sections 4-1.100 through 4-1.111 of the Modesto Municipal Code regulate the issuance of permits for amusement devices in the City of Modesto, and

WHEREAS, Section 4-1.105 of the Modesto Municipal Code requires a Permit to Operate Amusement Machines, and

WHEREAS, application for Permits to Operate Amusement Machines shall be filed with the Finance Director accompanied with a required filing fee therefor, and

WHEREAS, pursuant to Section 4-1.105 of the Modesto Municipal Code the filing fee for a Permit to Operate Amusement Machines shall be in an amount established by resolution adopted from time to time by the Council of the City of Modesto, and

WHEREAS, Section 4-1.106 of the Modesto Municipal Code requires a Location Permit to allow installation of Amusement Machines, and

WHEREAS, pursuant to Section 4-1.106 of the Modesto Municipal Code applications for Location Permits shall be filed with the Finance Director and shall be accompanied with a filing fee therefor, and

WHEREAS, the filing fee for a Location Permit shall be in an amount to be established by resolution adopted from time to time by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. FEES. The fee for filing an application for a permit to Operate Amusement Machines shall be in the amount of $60.00, and the fee for filing an application for a Location Permit shall be in the amount of $10.00.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2783-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF TAXICAB DRIVER'S PERMITS.

WHEREAS, Sections 4-6.701 through 4-6.709 of the Modesto Municipal Code regulate the issuance of permits for Taxicab Drivers in the City of Modesto, and

WHEREAS, Section 4-6.702 of the Modesto Municipal Code provides that a filing fee for a permit to drive a taxicab shall be in an amount established by resolution adopted from time to time by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. FEES. The fee for filing an application for a permit to drive a taxicab shall be in the amount of $30.00.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2782-C.S.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING APPLICATION PERMIT FEES FOR PRIVATE PATROL SERVICE.

WHEREAS, Sections 6-8.101 through 6-8.110 of the Modesto Municipal Code regulate Private Patrol Service in the City of Modesto, and

WHEREAS, Section 6-8.104 requires a permit to commence a business of a private police patrol service or for any employee of a private police patrol service to act as a watchman, guard, patrolman or private policeman without first obtaining a permit from the Police Chief to do so, and

WHEREAS, Section 6-8.107 of the Modesto Municipal Code provides that a filing fee for an application to obtain a permit to own or operate a Private Patrol Service shall be established by resolution adopted from time to time by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. FEES. The filing fee for an application to obtain a permit to own or operate a Private Patrol Service shall be in the amount of $36.00.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after the effective date of Ordinance No. 2781 - C.S.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-548

A RESOLUTION DESIGNATING THE MODESTO POLICE DEPARTMENT AS
THE LICENSING AUTHORITY FOR LICENSES TO SELL CONCEALABLE
WEAPONS IN THE CITY OF MODESTO AND ESTABLISHING FEES
THEREFOR AND RESCINDING RESOLUTION NO. 87-629.

WHEREAS, Section 12070 of the Penal Code requires that, before any
person may engage in the business of selling or otherwise transferring or
advertising for sale any pistol, revolver, or other firearm capable of
concealment upon the person, a license permitting such sales shall be obtained
from the duly constituted licensing authorities of a city or county, and

WHEREAS, Section 12071 of the Penal Code of the State of California
establishes procedures whereby retail sellers of concealable firearms may
obtain licenses to sell such firearms, and

WHEREAS, inasmuch as retail sales licenses for concealable firearms
may be granted by a licensing authority only after proper screening of
applicants, the City Council has determined that the Police Department is the
appropriate department to issue such licenses in the City of Modesto, and

WHEREAS, by a letter dated February 28, 1977, the Attorney General
of the State of California has ruled that the City of Modesto may impose fees
for processing applications and issuing licenses to qualified applicants to
sell concealable firearms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby designates the Police Department of the City of Modesto as the
duly constituted licensing authority in the City of Modesto for the issuance
of the above described licenses and hereby authorizes the Police Department to
issue licenses for the sale or transfer or advertising for sale of any pistol,
revolver, or other firearm capable of concealment upon the person in accordance with the provisions of California Penal Code Sections 12070 and 12071 and other applicable law.

BE IT FURTHER RESOLVED that the Council hereby establishes that the fees to be charged by the Police Department of the City of Modesto to cover the costs incurred for processing applications and issuing licenses pursuant to California Penal Code Sections 12070 and 12071 shall be $30.00 for the initial screening and issuance of a license and $20.00 for each license renewal.

BE IT FURTHER RESOLVED that this resolution supersedes Resolution No. 87-629 adopted by the City Council on the 21st day of July, 1987.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING FEES FOR ISSUANCE OF TOWING SERVICE OPERATOR AND ATTENDANT APPLICATIONS, AND RESCINDING RESOLUTION NO. 85-102.

WHEREAS, Section 3-10.07 of the Modesto Municipal Code authorizes the Council to establish a processing fee for towing service operator applications from time to time by resolution, and

WHEREAS, Section 3-10.16 of the Modesto Municipal Code authorizes the Council to establish a processing fee for towing service attendant applications from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees for processing towing service operator and attendant applications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. FEES. The fee for processing towing service operator applications shall be in the amount of $90.00.

SECTION 2. FEES. The fee for processing towing service attendant applications shall be in the amount of $30.00.

SECTION 3. REPEALS. Resolution No. 85-102 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-550

A RESOLUTION ESTABLISHING FEES FOR FINGERPRINTING, AND
RESCINDING RESOLUTION NO. 80-679.

BE IT RESOLVED by the Council of the City of Modesto that the
following fees are hereby established for fingerprinting service by the
Modesto Police Department, except where fingerprints are required in
conjunction with obtaining a City permit:

$5.00 for the first fingerprint card
$5.00 for each additional card

BE IT FURTHER RESOLVED that Resolution No. 80-679 is hereby
rescinded.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

RESCINDED

1995-2410

10642CA2
WHEREAS, Section 6257 of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - $8.00 per report
Copy of Official Police Photograph - $10.00 for processing and retrieval plus $1.10 per each print

These fees shall not apply to any governmental agency.

SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.
SECTION 3. Council Resolution No. 87-627 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-552

A RESOLUTION ESTABLISHING A PARADE APPLICATION PROCESSING FEE, AND RESCINDING RESOLUTION NO. 87-676.

WHEREAS, Sections 4-8.01 through 4-8.11 of the Modesto Municipal Code regulate parades in the City of Modesto, and

WHEREAS, Section 4-8.04 of the Modesto Municipal Code provides that a parade application processing fee shall be established by resolution adopted from time to time by the Council of the City of Modesto, and

WHEREAS, an application must be filed with the Police Chief of the City of Modesto to conduct or manage a parade, and

WHEREAS, the Police Department of the City of Modesto shall process said applications for parade permits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Modesto Municipal Code Section 4-8.04, a parade application processing fee in the amount of $35.00 shall be charged all applicants to cover the costs of processing the application and issuing the parade permit.

BE IT FURTHER RESOLVED that Resolution No. 87-676 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-553

A RESOLUTION ESTABLISHING FEES FOR PUBLIC DANCE HALL PERMIT AND PUBLIC DANCE PERMIT.

WHEREAS, Section 4-1.405 of the Modesto Municipal Code authorizes the Council to fix a public dance hall permit fee and a public dance permit fee from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the public dance hall permit fee and the public dance permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. FEES. The fee for a public dance hall permit shall be in the amount of $34.00.

SECTION 2. FEES. The fee for a public dance permit shall be in the amount of $20.00.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-554

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR MISCELLANEOUS STORM DRAIN REPAIRS - 3RD AND I; 4TH AND F STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for miscellaneous storm drain repairs - 3rd and I; 4th and F Streets copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 19, 1991 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-555

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER WELL CONSTRUCTION AND TESTING SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for water well construction and testing services, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 23, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-556

A RESOLUTION AMENDING AND RESTATING THE MANDATORY DEFERRED
COMPENSATION PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF
MODESTO, AND SUPERSEGING RESOLUTION NO. 88-490B.

WHEREAS, this Council by Resolution Nos. 86-628 and 88-490B amended
and restated the Mandatory Deferred Compensation Plan for certain employees of
the City of Modesto, and

WHEREAS, the Council desires to amend the Mandatory Deferred
Compensation Plan and to restate the Plan in full, as amended hereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City of Modesto's Mandatory Deferred Compensation Plan for certain
employees of the City of Modesto is hereby amended and restated in its
entirety as follows:

SECTION 1. There is hereby established a Mandatory Deferred
Compensation Plan (herein referred to as the "Plan") for the hereinafter
designated employees of the City of Modesto. Except as otherwise provided
herein, said Plan became operative effective July 4, 1978, and thereafter has
been amended.

SECTION 2. Effective July 2, 1991, all employees of the City of
Modesto who hold salaried positions of employment, except sworn fire and
police officers and employees classified as Management or Confidential, shall
have two (2) percent of their gross regular salary each pay period deferred
until said employee retires or otherwise terminates employment with the City
of Modesto. In addition thereto, the City of Modesto shall pay into said
Mandatory Deferred Compensation Plan, each pay period for each such employee,
an amount equal to one (1) percent of each such employee's gross regular
salary. Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 3. Effective June 30, 1981, the City of Modesto shall also pay into said Mandatory Deferred Compensation Plan each pay period for each employee of the City of Modesto who holds a salaried position of employment and who does not subscribe for health insurance coverage for said employee's dependents, an amount as determined by agreement with the respective employee organization or, for Management or Confidential employees, as approved by Council. Provided, however, that no such employee shall be eligible to receive said amount paid into the Plan by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 4. Effective on June 24, 1986, and each year thereafter at the start of the first full payroll period closest to July 1st, the City of Modesto shall also pay into the Mandatory Deferred Compensation Plan of all employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers and Management and Confidential employees, and who have been continuously employed with the City of Modesto, on or before June 30th of that year, for fifteen (15) or more years, an amount equal to one (1) percent of each such employee's gross regular salary. Said amount shall be in addition to any other amounts to be paid into each such employee's Mandatory Deferred Compensation Plan pursuant to any other provision of the Plan.

SECTION 5. Except as provided in Section 6 hereof, the maximum permitted deferral of includable compensation in any one taxable year for any
employee shall not exceed the lesser of (a) $7,500, or (b) 33 1/3% of the employee's includable compensation as that term is defined by the Internal Revenue Service Regulations governing deferred compensation plans.

SECTION 6. During the last three (3) taxable years before the employee reaches the following applicable age:

A. All Fire Department and Police Department employees with safety membership in the Public Employee's Retirement System — age 50

B. All other employees — age 60

or at the employee's option in any three taxable years thereafter, the maximum permitted deferral of includable compensation in any one (1) taxable year shall be the lesser of (a) $15,000 or (b) the sum of $7,500 and so much of the maximum permitted deferral established for taxable years before the three (3) taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

SECTION 7. Each employee covered by the Plan shall be deemed to have agreed to each of the provisions hereof, and specifically to the deferral of salary as provided by the Plan. Deferral of salary for employees hired subsequent to the adoption of this Plan shall begin immediately upon hire of said employees.

SECTION 8. There is hereby established a Mandatory Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three (3) persons to be appointed by and serve at
the pleasure of the City Manager, one of whom shall be appointed by the City Manager to be its Chairman. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositories entered into from time to time. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council.

Persons who are currently members of the Mandatory Deferred Compensation Committee as established by previous Resolutions, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 9. The Committee is hereby authorized and empowered to make such determinations regarding investment of money, and payment and distribution of funds to an employee covered by the Plan as may be necessary in order to carry out the provisions of the Plan established hereby.

SECTION 10. All funds and assets held in or credited to the Mandatory Deferred Compensation Plan for the benefit of an employee shall be paid and distributed as herein provided to the employee, or the employee's beneficiary, as the case may be.

A. Distribution upon retirement or disability of employee or other termination of employment. In the event an employee retires from the City or becomes permanently disabled from continuing regular employment with the City, the City will distribute to such employee the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the employee's life expectancy.
B. Distribution upon death of employee. In the event of the death of an employee, the City will distribute to the employee's beneficiary the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the beneficiary's life expectancy. In the event of the death of the beneficiary while receiving installment payments, any remaining balance in the employee's Mandatory Deferred Compensation account shall be deemed to be the property of the beneficiary at the time of the beneficiary's death, and shall be distributed to the persons legally entitled thereto.

C. Distribution prior to one (1) year of employment. In the event that any employee becomes entitled to the distribution of the amounts deferred for his or her benefit prior to one (1) year of employment with the City of Modesto, distribution of the amounts deferred from the employee's gross regular salary shall be made as provided in this section; however, no distribution shall be made to the employee or his beneficiary of the amounts paid into the Plan by the City of Modesto. In such event, such amounts shall be returned to the appropriate fund of the City of Modesto.

SECTION 11. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the City of Modesto's Mandatory Deferred Compensation Plan with depositories as approved from time to time by the City Council.

SECTION 12. Except as otherwise herein provided, all prior actions and agreements of the City of Modesto relating to the Mandatory Deferred Compensation Plan are hereby ratified and are continued in full force and effect.
BE IT FURTHER RESOLVED that Resolution No. 88-490B adopted June 28, 1988, is superseded by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AMENDING AND RESTATING THE VOLUNTARY DEFERRED COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEEDING RESOLUTION NO. 83-211.

WHEREAS, this Council by Resolution No. 83-211, adopted on April 12, 1983, amended and restated the Voluntary Deferred Compensation Plan for the employees of the City of Modesto, and

WHEREAS, the Council desires to amend the Voluntary Deferred Compensation Plan and to restate the Plan in full, as amended hereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the City of Modesto's Voluntary Deferred Compensation Plan is hereby amended and restated in its entirety as follows:

SECTION 1. There is hereby established a Voluntary Deferred Compensation Plan (hereinafter referred to as the "Plan"), pursuant to which the officers and employees of the City of Modesto who hold salaried positions of employment or who receive compensation for the performance of their duties may voluntarily elect to defer payment of a portion of their salary or compensation to be paid over to them at a later time.

SECTION 2. That the City Manager or his designee is hereby authorized from time to time to execute counterparts for and on behalf of the City of Modesto of a "Voluntary Deferred Compensation Agreement" in a form approved from time to time by the City Council as the agreement to be entered into by and between the City of Modesto and those of its officers and employees who voluntarily elect to participate in the Plan.

SECTION 3. Employees who desire to participate in the Plan may elect to do so at any time prior to the 15th day of the month before such
deferral is to begin. The deferral will then commence in the first bi-weekly pay period commencing the month after the election.

SECTION 4. There is hereby established a Voluntary Deferred Compensation Committee to administer the Plan established hereby. The Committee shall consist of three persons to be appointed by and serve at the pleasure of the City Manager, one of who shall be appointed by the City Manager to be its Chairman. The Committee shall have such powers and duties as may be given to it by this resolution, or as may be necessary in order to carry out the provisions of agreements with depositaries entered into from time to time by the City. It shall also have such further powers and duties as may be delegated to it from time to time by the City Council. No member of the Committee shall be a participant in the Plan. Persons who are currently members of the Voluntary Deferred Compensation Committee as established by Resolution No. 72-800, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

SECTION 5. The Committee is hereby empowered to make the determinations regarding the investment of money, and payment and distribution of funds by City under the Voluntary Deferred Compensation Agreement referred to in Section 2 above.

SECTION 6. The City Clerk is hereby authorized and directed to certify to depositaries, and such other persons, firms or organizations with whom the City may have entered into contracts regarding the Plan established hereby, the names of the incumbent members of the Committee, and from time to time the names of such other persons who may be appointed to said offices.
SECTION 7. Except as otherwise provided in this Resolution, the maximum deferral in any one taxable year for a given employee shall be the lesser of (a) $7,500.00, or (b) 33 1/3 percent of the employee's includable compensation as that term is defined by the Internal Revenue Service regulations governing deferred compensation plans.

SECTION 8. During the last three taxable years before an employee reaches the following applicable age:

A. All Fire and Police Department employees with safety membership in the Public Employee's Retirement System - age 50

B. All other employees - age 60

or at the employee's option in any three taxable years thereafter, the maximum deferral of includable compensation in any one taxable year shall be the lesser of (a) $15,000 or (b) the sum of $7,500 and so much of the maximum permitted deferral established for taxable years before the three taxable years as has not been previously deferred. The years in which this provision is to apply shall be designated in advance by a written request from the employee to the Finance Director.

Provided that, in computing the maximum deferral permitted under the Plan, any compensation deferred under the City of Modesto Mandatory and/or Optional Deferred Compensation Plan, established by City Council Resolution No. 83-209, adopted April 12, 1983, and Resolution No. 91-463 adopted July 9, 1991, as they now exist or may hereafter be amended shall be treated as though compensation had been deferred under this Voluntary Deferred Compensation Plan.
SECTION 9. The City Manager is hereby authorized and directed from time to time to execute, on behalf of the City of Modesto, Custodial Agreements for the Voluntary Deferred Compensation Plan with depositories as approved from time to time by the City Council.

SECTION 10. Except as otherwise herein provided, all prior actions and agreements of the City of Modesto relating to the Voluntary Deferred Compensation Plan, other than the form and content of Voluntary Deferred Compensation Agreements referred to in Section 2 hereof between employees and the City of Modesto, are hereby ratified and are continued in full force and effect.

BE IT FURTHER RESOLVED that Resolution No. 83-211, adopted on April 12, 1983, is superseded by this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JUDY C. HALL, Acting-City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN ADOBE ABODE SUBDIVISION
AND AUTHORIZING RELEASE OF SAVINGS ACCOUNT ASSIGNMENT

WHEREAS, Leon Johnson, subdividers of Adobe Abode Subdivision, have filed a Savings Account Assignment for faithful performance and labor and materials in the amount of $10,000 and $5,000 respectively to guarantee improvements in Adobe Abode Subdivision and:

WHEREAS, the Director of Public Works in a memorandum dated August 15, 1991 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the Time Deposit upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Adobe Abode Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the portion of the Time Deposit for faithful performance in the amount of $10,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the portion of the Time Deposit for labor and materials in the amount of $5,000 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-559

A RESOLUTION APPROVING PROGRAM SUPPLEMENT NO. 95 TO THE MASTER AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE COFFEE ROAD/ORANGEBURG AVENUE TRAFFIC SIGNAL MODIFICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Program Supplement No. 95 to the Master Agreement with the State of California for the Coffee Road/Orangeburg Avenue traffic signal modification be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT D. MANGUM FOR CONTRACT SUBDIVISION INSPECTION SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Robert D. Mangum for contract subdivision inspection services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-561

A RESOLUTION GRANTING APPROVAL FOR FESTIVAL '91 TO BE HELD SATURDAY, OCTOBER 5, 1991, AND SUNDAY, OCTOBER 6, 1991, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Amy R. Wolfe, Chairperson, Festival '91 (hereinafter referred to as the Committee) has requested assistance from the City of Modesto (hereinafter referred to as City) with the Festival '91 activities, an international and ethnic cultural event celebrating diversity in the community, to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991, and

WHEREAS, said Festival '91 activities will include a downtown street fair which offers a variety of arts and crafts and food booths as well as entertainment and an ethnic diversity parade, and

WHEREAS, Committee specifically has requested that the City of Modesto provide assistance for City related expenses as follows:

1. Provide assistance from the Modesto Police Department for the parade and the street fair. Maximum cost of $3,341 as outlined in a report from the Police Department, a copy of which report is attached hereto and incorporated herein by reference.

2. Waive tent permit fees charged by the Fire Prevention Bureau, at a projected cost of $61-$100.

3. Provide street cleaning as needed after the parade and street fair.

and

WHEREAS, City staff has met with Committee to resolve most concerns and to discuss City assistance and has recommended that permission and assistance be given to Committee, subject to certain conditions, and
WHEREAS, at its meeting of August 27, 1991, the Council considered the request for City assistance with the Festival '91 activities to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991, and the Council deems it appropriate to grant approval and assistance to the Committee relating to said request, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's request for City assistance with the Festival '91 activities to be held on Saturday, October 5, 1991, and Sunday, October 6, 1991:

1. As a requirement of the proposed parade, the Committee shall receive a permit from the California Department of Transportation authorizing closure of certain streets in the City of Modesto: Closure of K Street from 9th Street to 11th Street on Friday, October 4, 1991, from 3:00 p.m. until Sunday October 6, 1991, 9:00 p.m.

2. The Committee shall be allowed to conduct the parade from 10:00 a.m. until 11:00 a.m., on Saturday, October 5, 1991. The parade route shall be as described on the attached map.

3. An encroachment permit shall be obtained by the Committee from the City Public Works and Transportation Department at least 48 hours prior to the temporary street closure of 10th Street, between K Street and J Street. Insurances (as required in item 21 below) shall be on file with the City Clerk prior to the issuance of said permit. The City shall waive all encroachment permit fees.

4. The City shall provide street sweeping on Saturday following the parade. However, the Committee shall be responsible for removing any and all trash, garbage or refuse left on private or public property as a result of Festival '91.

5. The Committee is to provide sufficient volunteer assistance with the closure of the parade route.

6. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales areas.
7. The Committee shall be responsible for removal of various booths and other items which have been placed in and on City streets during and after the event. Following the event, the City shall provide the normal street sweeping on Sunday evening.

8. Portable toilets shall not be placed on City parking lots.

9. Signs shall be provided by the Committee directing vehicular and pedestrian traffic at all locations where streets and sidewalks are closed to through traffic.

10. Emergency equipment shall be provided access at all times. Any vehicles or other items blocking access shall be towed.

11. No liquefied petroleum gas (L.P.G.) shall be used in enclosed areas. A minimum of a 2A 10BC fire extinguisher must be provided for each cooking area.

12. Each tent shall be inspected by the Fire Marshall or his designee and appropriate permits shall be issued.

13. Prior to the event, all food carts shall be inspected at the Fire Prevention Bureau.

14. The City shall waive all fire inspection fees; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.

15. The Committee shall execute a rental license to use the Plaza in front of the Community Centre Plaza Building and shall pay the required deposit to the Centre Plaza within one week of Council approval of the event.

16. The Committee shall conform to all policies and procedures at the Centre Plaza and shall pay all applicable fees.

17. The Committee shall provide its own hired 24-hour security for the liquor booths as well as night time security. The Modesto Police Department will furnish reserve officers during the hours of operation of the event open to the public.

18. All public improvements shall be left in the same condition as existed prior to Festival '91.

19. All private and public property used as a result of Festival '91, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by the Committee no later than 9:00 p.m. on Sunday October 6, 1991.
20. The Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's sponsored Festival '91 activities, use of the Centre Plaza and City streets and City parking lots.

21. The Committee shall furnish to the Risk Manager of the City current and valid certificate(s) of insurance evidencing coverages in forms and amounts satisfactory to the Risk Manager in insuring the risks, exposures and liabilities assumed by the Committee under this Resolution. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto as an additional insured; provide the City with a minimum of ten (10) days' written notice prior to cancellation, alteration or material change in coverage; and contain contractual liability coverage. The Committee shall also file acceptable verification of conformance with the California Labor Code Section 3800. The Committee shall also file acceptable verification of coverage for legal liquor liability.

        Such verifications shall be submitted to the Risk Manager and shall meet with his approval prior to the date of October 4, 1991. Upon approval, said verifications shall be filed with the City Clerk.

        BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
FESTIVAL 1991

Estimated cost by the Modesto Police Department for Festival 1991.

These are maximum costs and could be reduced by volunteer assistance provided by the Festival 1991 Committee. The request for Reserve Police Officers for security for the Beer Garden should be denied. The establishment should hire private security.

PARADE

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Reserve Officers @ $16.00 per hour for 3 hours</td>
<td>$1,200</td>
</tr>
<tr>
<td>60 Barricades @ $.60 each</td>
<td>36</td>
</tr>
<tr>
<td>1 City employee to place and retrieve barricades</td>
<td>48</td>
</tr>
<tr>
<td>@ $16.00 per hour for 3 hours</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>$1,234</td>
</tr>
</tbody>
</table>

STREET FAIRE

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Reserve Officers @ $16.00 per hour for 16 hours</td>
<td>1,536</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$2,820</td>
</tr>
</tbody>
</table>

BEER GARDEN

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Reserve Officers @ $16.00 per hour for 16 hours</td>
<td>521</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$3,341</td>
</tr>
</tbody>
</table>

TOTAL $3,341

Sgt. Steve Hinkle
Administrative Aide
Field Operations Division
First annual ethnic and cultural celebration in Modesto
Saturday and Sunday, October 5, 6, 1991

DIVERSITY PARADE
Saturday October 5, 10:00 a.m.

STREET FAIR
Saturday, October 5, 11:00 a.m. - 7:00 p.m.
Sunday, October 6, 10:00 a.m. - 5:00 p.m.
10th & K Streets, Modesto Centre Plaza

Featuring
International Foods and Crafts
Ongoing Music & Dance Entertainment
Children's Activities & Entertainment
(Free Admission)
ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 91-561 pertaining to the 1991 Festival '91 activities.
Dated: ____________________

FESTIVAL '91

By ________________________ (Name & Title)

By ________________________ (Name & Title)
A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (ENCINA, COLFAX, HADDON, EL VISTA, MAMILANE, COFFEE AND EL VECINO)

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council, did on April 23, 1991, adopt its motion directing staff to proceed with the installation of certain improvements along certain streets in the City of Modesto, as provided therein; and

WHEREAS, the superintendent of Streets has caused notices to be given as directed by the Streets and Highways Code; and

WHEREAS, the City Clerk did by said notice, set the 3rd day of September, 1991, at 7:30 o'clock p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, at the time set for hearing the protests and objections, if any, to the proposed work, the said Council proceeded to hear the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices and incorporated by reference therein, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in said notices in accordance
with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 3rd day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
a. Sidewalk along Encina Avenue at 437 Parry Avenue (George Sartor)
b. Sidewalk at 2104 Encina Avenue (Florence Correa)
c. Sidewalk along Encina Avenue at 431 Fortuna Avenue (Roy Correa)
d. Sidewalk at 2036 Encina Avenue (Maria Arenas)
e. Sidewalk at 130 Colfax Avenue (Harpal Gill)
f. Curb and sidewalk at 340 Colfax Avenue (Bud Smith, Jr.)
g. Sidewalk along Haddon Avenue at 310 El Vista Avenue (Michael Rosenke)
h. Sidewalk along Haddon Avenue at 304 Colfax (Donald Breck)
i. Sidewalk at 2313 Haddon Avenue (Olga Martinez)
j. Sidewalk along Haddon Avenue at 233 Renee Drive (Robert Dotry)
k. Sidewalk at 2317 Haddon Avenue (Corlee Willey)
l. Sidewalk along Haddon Avenue at 233 Trask Lane (Tedford Gilton)
m. Sidewalk at 2425 Haddon Avenue (Dee Gonzales)
n. Sidewalk at 328 El Vista Avenue (Frank Bell)
o. Sidewalk at 439 Coffee Road (William Salter)
p. Sidewalk at 519 Coffee Road (Downey Park Medical)
q. Sidewalk at 527 Coffee Road (Horace Brooks)
r. Sidewalk along Mamilane at 1709 Rouse Avenue (Augustine Andrade)
s. Sidewalk at 630 Mamilane (Larry Swier)
t. Sidewalk along Mamilane at 1700 Tonilane (Martin Rico)
u. Curb at 316 E. Coolidge Avenue (Orangeburg Baptist Church)
v. Curb at 236 E. Coolidge Avenue (Gus Constantinou)
w. Curb at 320 E. Coolidge Avenue (Anne Hughes)
x. Drive approach along E. Coolidge Avenue at 1444 Casa Blanca (Wendell Thompson).
y. Curb and sidewalk along El Vecino Avenue at 1000 Betty Lane (Edward Adams).
A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF ZORA ZIPSER TO THE DECISION OF THE PLANNING COMMISSION RELATING TO CONDITIONS IMPOSED BY THE PLANNING COMMISSION UPON APPROVAL OF A VESTING TENTATIVE PARCEL MAP OF PROPERTY LOCATED ON THE EAST SIDE OF RENO AVENUE NORTH OF KANSAS AVENUE.

WHEREAS, the vesting tentative parcel map of property on the east side of Reno Avenue north of Kansas Avenue was filed in the office of the Secretary of the Planning Commission on July 5, 1991, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative parcel map have been sent to the Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, city services, including sanitary sewer and water facilities, are available, and

WHEREAS, a public hearing was held by the Planning Commission on August 5, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing the Planning Commission, by Resolution No. 91-49, found and determined that the vesting tentative parcel map of property on the east side of Reno Avenue north of Kansas Avenue accepted for filing in the office of the Secretary of the Planning Commission on July 5, 1991, should be approved as submitted and as shown in red on the face of the map subject to compliance with the conditions set forth in said Planning Commission Resolution, and
WHEREAS, an appeal to the decision of the Planning Commission approving said vesting tentative parcel map subject to the imposition of a requirement that prior to the recordation of the parcel map, a portion of Reno Avenue located south of Franzia Court and north of Kansas Avenue shall be abandoned (Condition 8 of Planning Commission Resolution No. 91-49) was filed with the City Clerk by Mid-Valley Engineering on behalf of Zora Lipser, by letter dated August 8, 1991, and

WHEREAS, by letter dated August 27, 1991, Mid-Valley Engineering filed with the City Clerk an amendment to the August 8, 1991, appeal letter to further appeal the imposition of the requirement that fences or walls shall be constructed prior to recordation of the parcel map (Condition 9 of Planning Commission Resolution No. 91-49) and shall be as follows:

   a. An eight-foot-high wood fence with decorative masonry pilasters at 16 foot on centers located adjacent to neighboring residential parcels along the south and southeast boundaries of the proposal.

   b. An eight-foot-high decorative masonry wall along the north property lines, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on September 3, 1991, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of Mid-Valley Engineering on behalf of Zora Zipser to the decision of the Planning Commission relating to Conditions 8 and 9 of Planning Commission Resolution No. 91-49, should be granted for the following reasons:

   1. The requirement for a street abandonment is more appropriate at time of development of a parcel than prior to recordation of a parcel map.
2. The installation of a fence or wall is more reasonable to be required at the time development plans are submitted than prior to the recordation of a parcel map.

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Mid-Valley Engineering on behalf of Zora Zipser to the decision of the Planning Commission relating to Condition 8 and Condition 9 of Planning Commission Resolution No. 91-49 is hereby granted.

SECTION 2. MODIFICATION OF CONDITIONS OF PLANNING COMMISSION RESOLUTION NO. 91-49. The conditions of Planning Commission Resolution No. 91-49 are hereby modified to read as follows:

1. That street dedication shall be provided and street improvements constructed in accordance to the City of Modesto Standard Specifications including 20 foot radius corner cutoffs at Reno Avenue as required by the Public Works and Transportation Director.

2. That improvement plans for required improvements shall be prepared by a registered civil engineer and submitted for approval by the Public Works and Transportation Director. All improvements shall be constructed in accordance with the approved plans.

3. That street improvements shall be completed as required by the Municipal Code in conjunction with property development or within two years of parcel map recordation, whichever occurs first.

4. That a certificate giving notice that street improvements are required along the Kansas Avenue and Reno Avenue frontages of the property shall be placed on the parcel map.

5. That public utility easements shall be dedicated as required by utility companies prior to parcel map recordation.

6. That existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director.

7. That a release of irrigation rights for parcel APN 29-12-3 shall be executed as required by the Modesto Irrigation District.
8. Prior to the issuance of a building permit, Reno Avenue located south of Franzia Court and north of Kansas Avenue shall be abandoned.

9. Prior to the issuance of a building permit for the development of a lot, fences or walls shall be constructed along adjacent properties as follows:

   a. An eight-foot-high wood fence with decorative masonry pilasters at 16 foot on centers located adjacent to neighboring residential parcels along the south and southeast boundaries of the proposal.

   b. An eight-foot-high decorative masonry wall along the north property lines.

10. That prior to the recording of a parcel map the property owner shall secure certification by the Chief Building Official that existing buildings will comply with all provisions of the Uniform Building Code pertaining to the location of buildings adjacent to property lines.

11. That all structures which extend across proposed parcel lines or into street rights-of-way shall be removed or relocated to comply with applicable zoning regulations prior to recordation of the parcel map.

12. That the property owner shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a parcel map, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Modesto shall promptly notify the property owner of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

13. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.

SECTION 3. OTHER PROVISIONS OF PLANNING COMMISSION RESOLUTION NO. 91-49. All other provisions of Planning Commission Resolution No. 91-49 not in conflict with this resolution shall remain in full force and effect.
BE IT FURTHER RESOLVED by the Council that, at such time as an abandonment proposal is submitted to the City for Reno Avenue, the Council would be favorable to such a proposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION NO. 91-564

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(485). (RAMAN PATEL)

WHEREAS, the City Council, by Ordinance No. 2429-C.S. which was introduced on May 27, 1986, finally adopted on June 10, 1986, and which became effective on July 10, 1986, amended Sections 3-3-8 and 10-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(404), property located between Salida Boulevard and Freeway 99 south of Pe1andale Avenue, to allow a motel, restaurant and convenience mart complex, and

WHEREAS, City Council Resolution No. 86-507 was adopted on June 10, 1986, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in two phases, and

WHEREAS, the City Council, by Ordinance No. 2544-C.S. which was introduced on September 15, 1987, finally adopted on September 22, 1987, and which became effective on October 22, 1987, amended Sections 3-3-8 and 10-3-8 of the Zoning Map to reclassify from Planned Development Zone, P-D(404), to Planned Development Zone, P-D(431), property located between Salida Boulevard and Freeway 99 south of Pelandale Avenue, to allow a recreational vehicle sales and service facility, and

WHEREAS, City Council Resolution No. 87-1049 was adopted on September 15, 1987, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in one phase, and
WHEREAS, a verified application for an amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map was filed by Raman Patel on September 11, 1990, to rezone from Planned Development Zone, P-D(431), to a new Planned Development Zone, to allow a motel and other Highway Commercial, C-3, Zone uses, property located on the northeast side of Salida Boulevard, south of Pelandale Avenue, described as follows:

P-D(431) to P-D

All that certain real property situate in a portion of the Northeast one-quarter of the Northeast one-quarter of Section 10 and the Southeast one-quarter of the Southeast one-quarter of Section 3, both in Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto County of Stanislaus, State of California, described as follows:

Commencing at the Northeast corner of said Section 10; thence along the East line of said Section 10, South 0°13'29" East 477.34 feet to the West right-of-way line of State Highway 99; thence northwesterly along said West line 293.58 feet to the True Point of Beginning; thence continuing along said West line, North 27°27'31" West, 539.71 feet more or less; thence leaving said west line and at right angles, Southwesterly 50.00 feet; thence at right angles Northwesterly 50.00 feet; thence at right angles Northeasterly 50.00 feet to the aforementioned west line; thence continuing along the west right-of-way line of said State Highway 99, North 27°27'31" West, 40.00 feet; thence continuing along said west line, North 43°07'15", West 350.29 feet; thence continuing along said west line, North 56°57'22" West, 448.08 feet; thence continuing along said west line on a tangent curve concave to the Northeast, moving a radius of 860.00 feet, 60.00 feet to the intersection with the West right-of-way line of Salida Boulevard; thence along said East line, Southeasterly, 506.07 feet; thence continuing along said East line Southeasterly 950.00 feet to the Point of Beginning.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on August 5, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and
WHEREAS, after said public hearing held on August 5, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 91-48, that rezoning of the property is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone is in accordance with community objectives as set forth in the General Plan, which provides for commercial development on certain established commercial strips.

2. The proposed P-D zone will further traffic mitigation for this area surrounding a freeway on-off ramp.

3. The proposed P-D zone is similar to a previously approved P-D(404) zone for the property.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September, at 3rd p.m., and

WHEREAS, after said public hearing held on Sept. 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Raman Patel for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-48 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2784-C.S. on the 3rd day of September, 1991, reclassifying the above-described property from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485).
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(485), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Comfort Inn" as amended in red, stamped approved by the Planning Commission on August 5, 1991.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the state right-of-way line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. The developer shall provide CEQA traffic mitigation measures as outlined in the City Transportation Planners' memo dated June 12, 1991, written in response to the applicants traffic analysis by Omni-Means and included as follows:

   a. The developer shall improve Salida Boulevard to collector street standards per Standard Specifications Drawing 3A along the project's frontage.
b. The driveways on Salida Boulevard shall be located in accordance with Standard Specifications Section 3.13.

c. The developer shall enter into an agreement with the City and Stanislaus County for the reimbursement of some or all of the off-site improvement costs required by condition D, which follows. Subject to agreement by all parties, such reimbursement may consist of a credit against the City and County fees for roadway capital facilities which the developer would otherwise be required to pay.

d. The developer shall construct the "mitigated existing" intersection and traffic signal improvements at the Pelandale/SR99 southbound ramps intersection and the Pelandale/SR99 northbound ramps intersection as described in concept in the May 31, 1991, traffic analysis prepared by Omni-Means, Ltd. If it is determined by the City, in consultation with the other agencies involved, that something less than the full extent of the improvements identified by the Traffic Analysis should be constructed in the interest of public safety or the attainment of the best traffic operations, then only those improvements will be required of the developer. To the extent that these improvements are eligible for CFF funding, the developer will be reimbursed in accordance with the agreement required by condition C, above.

e. All work required by condition D, above, shall be done to the satisfaction of Caltrans and in a manner which is compatible with the mitigation concepts presented in the May 31, 1991, Omni-Means, Ltd. Traffic Analysis.

f. Prior to issuance of a building permit, the developer shall submit engineering plans to the Public Works and Transportation Director and obtain his approval. All street, intersection, and traffic signal improvements and modifications are to be done only in accordance with these approved plans.

g. All street, intersection, and traffic signal improvements and modifications shall be funded and constructed by the developer in accordance with City of Modesto Standard Specifications prior to issuance of any occupancy permits, or earlier when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

h. If, due to administrative requirements imposed by the public agencies involved, the off-site improvements at the freeway ramp intersections (required by condition D,
above) cannot be installed prior to when the developer desires issuance of the first occupancy permit, then the developer shall pay to the City 100% of the estimated cost of these required improvements. The cost estimates for these improvements are to be approved by the Public Works and Transportation Director.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

12. All signs shall comply with the sign requirements of the C-3 Zone.

13. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(485):

The entire construction program be accomplished in one phase, construction to begin on or before August 5, 1993, and completion to be not later than August 5, 1994.
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(485), becomes effective.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Patterson, was upon roll call
carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and
Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 91-565

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTIONS
3-3-8 AND 10-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM
P-D(431) TO P-D(485). (RAMAN PATEL)

WHEREAS, on September 3, 1991, the City Council introduced
Ordinance No. 2784-C.S. giving approval to a project relating to an
amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of
Modesto to reclassify from Planned Development Zone, P-D(431), to Planned
Development Zone, P-D(485), property located on the northeast side of Salida
Boulevard, south of Pelandale Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a mitigated negative declaration in regard to the environmental impact of the subject project, and

WHEREAS, the mitigation measures have been incorporated into the approved project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Sections 3-3-8 and 10-3-8 of the Zoning Map of the City of Modesto to reclassify from Planned Development Zone, P-D(431), to Planned Development Zone, P-D(485), property located on the northeast side of Salida Boulevard, south of Pelandale Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

-2-
MODESTO CITY COUNCIL
RESOLUTION NO. 91-566

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(486). (P & R ENTERPRISES)

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by P & R Enterprises on July 3, 1991, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, to allow a senior housing complex, property located on the north side of East Orangeburg Avenue and West of Claus Road, described as follows:

R-2 to P-D(486)

All that certain real property situate in a portion of the northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base an Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Being all of Orangeburg Terrace as shown on the map filed in Volume 34 of Maps, at Page 52, recorded on November 8, 1989, Stanislaus County Records.

Including also the northern 30.00 feet of 60.00 foot wide East Orangeburg Avenue located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on August 5, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 91-50, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed rezoning is in accordance with community objectives as set forth in the General Plan, which provides for higher density residential developments near major circulation systems.
2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated February 13, 1991 should be certified as adopted.

and

WHEREAS, after a public hearing held on September 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of P & R Enterprises for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-50 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2785-C.S. on the 3rd day of September, 1991, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(486).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(486), is hereby approved subject to the following conditions:

1. All development shall conform to plot plans and floor plans titled "Orangeburg Terrace Senior Apartments" as amended in red, stamped approved by the Planning Commission on August 5, 1991.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the north and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
a. Along the west property line, a six-foot high fence constructed of either a wood with decorative masonry pilaster at 16-foot on center, stucco wall with unexposed metal support post at 16-foot on center, or solid masonry wall. There shall be double-sided board adjacent to the parking area if a wood/pilaster fence is installed.

b. Six-foot-high, wrought-iron fence along Orangeburg Avenue at least five feet from the property line and consistent with the clear vision triangle. The fence may be set back to between the buildings and around the patios. In which case, the patio fencing along Orangeburg Avenue would have 3.5 of solid fencing and wrought-iron above it up to a height of six feet.

There may be the option to install entry security gates across Sandy Court subject to approval by the Fire and Planning and Community Departments.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

10. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

12. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

13. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.

14. All utilities shall be underground and cable television service shall be stubbed into all units.

15. All signs shall comply with the sign requirements of the R-3 Zone.

16. Prior to the issuance of a building permit for any structure, street abandonment of Sandy Court shall be completed.

17. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

18. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

19. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.
20. Prior to issuance of a building permit for the elderly housing facilities, to the extent that the elderly housing portion of the development falls within the limitations of Chapter 3 of Title X of the Modesto Municipal Code, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by said Code.

21. Prior to the issuance of a building permit for any structure, a map shall be recorded to merge all the lot lines.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(486):

The entire construction program be accomplished in one phase, construction to begin on or before August 5, 1992, and completion to be not later than August 5, 1994.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(486), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 91-567

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 TO
P-D(486). (P & R ENTERPRISES)

WHEREAS, on September 3, 1991, the City Council introduced
Ordinance No. 2785-C.S. giving approval to a project relating to an
amendment to Section Map 24-3-9 of the Zoning Map of the City of Modesto to
reclassify from Medium Density Residential Zone, R-2, to Planned Development
Zone, P-D(486), property located on the north side of East Orangeburg Avenue
and west of Claus Road, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a negative declaration in regard to the
environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 24-3-9 of the Zoning Map of
the City of Modesto to reclassify from Medium Density Residential Zone, R-2,
to Planned Development Zone, P-D(486), property located on the north side of
East Orangeburg Avenue and west of Claus Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE TRAFFIC SIGNALS, STREET IMPROVEMENTS AND STRIPING MODIFICATIONS AT BRIGGSMORE AT LAKEWOOD; CARPENTER AT KANSAS; COFFEE AT NORWEGIAN; COFFEE BETWEEN BRIGGSMORE AND SCENIC; AND COFFEE BETWEEN ENSENADA AND SPANOS AS COMPLETE.

WHEREAS, a report has been filed by the Director of Public Works, that the traffic signal construction and striping modifications at various locations has been completed by Collins Electrical Company, Inc. in accordance with the contract agreement dated August 28, 1990.

NOW, THEREFORE, BE IT RESOLVED that the traffic signal construction and striping modifications at various locations be accepted from said contractor, Collins Electrical Company, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $412,539.20 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-569

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING AND INSTALLING A 100 FOOT MICROWAVE TOWER AT FIRE HOUSE NO. 9

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing and installing a 100 foot microwave tower at Fire House No. 9 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 1, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ___ day of ___ September __, 1991, by Councilmember ____________, who moved its adoption, which motion being duly seconded by Councilmember ____________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING THE WESSON RANCH PARK RESTROOM AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Wesson Ranch Park restroom has been completed by Ireland's in accordance with the contract agreement dated February 5, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Wesson Ranch Park restroom be accepted from said contractor, Ireland's; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $77,990 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-571

A RESOLUTION ACCEPTING THE EIGHT-INCH SANITARY SEWER REHABILITATION AT LA LOMA AND DRY CREEK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the eight-inch sanitary sewer rehabilitation at LaLoma and Dry Creek has been completed by Gelco Insituform West in accordance with the contract agreement dated May 21, 1991.

NOW, THEREFORE, BE IT RESOLVED that the eight-inch sanitary sewer rehabilitation at LaLoma and Dry Creek be accepted from said contractor, Gelco Insituform West; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $27,961.14 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-572

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GIDDINGS, CORBY, HYNES, INC. FOR RENEWAL OF PUBLIC OFFICIALS FIDELITY BONDS AND PUBLIC EMPLOYEE BLANKET BOND FOR POLICY YEAR SEPTEMBER 10, 1991 TO SEPTEMBER 10, 1994

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Giddings, Corby, Hynes, Inc. for renewal of Public Officials Fidelity Bonds and Public Employee Blanket Bond be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-573

A RESOLUTION APPROVING ACCEPTANCE OF A $125,000 FEDERAL GRANT FROM THE FEDERAL TRUST FUND IN THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) TO CARRY OUT A NEW PROJECT TO UPDATE EIGHT SIGNALIZED INTERSECTIONS ON I AND J STREETS IN MODESTO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Assembly Bill 1145, Chapter 1648 (Statutes of 1990) appropriated $125,000 from the Federal Trust Fund in the Petroleum Violation Escrow Account to the Department of Transportation for financing transportation demonstration projects, and

WHEREAS, the Department of Transportation seeks to allocate $125,000 to the City of Modesto to carry out development of the Modesto Traffic Activated Signal Conversion Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The Council of the City of Modesto does hereby approve acceptance of a $125,000 Federal Grant to carry out a new project to update eight signalized intersections on I and J Streets in Modesto, said grant will pay for 100% of the project costs (including consultant services) up to $125,000.

2. The Council does hereby authorize the City Manager to execute and the City Clerk to attest that certain Agreement between the City of Modesto and the State of California, Department of Transportation, to replace eight traffic signal controllers along I and J Streets in Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: __________________________
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By __________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-574

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE NEW FEDERAL REVENUE FOR A TRAFFIC SIGNAL PROJECT.

WHEREAS, the City is eligible to receive funds from a new Federal revenue source, the Petroleum Violation Escrow Account (PVEA), and

WHEREAS, the PVEA funding is derived from negotiated settlements and legal judgments against oil companies by the Federal government for price overcharges on crude oil and refined petroleum products during the period of price control regulations from September 1973 through January 1981, and

WHEREAS, the PVEA grant requires no City match, and

WHEREAS, the proposed City project will replace eight fixed-time single dial traffic signal controllers with solid state, "State of the Art" controllers, and

WHEREAS, the work is to include rewiring the signals and installation of inductive loop detectors on the minor street to provide semi-actuated signal operation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following adjustments be made to the Annual Budget of the City of Modesto for Fiscal Year 1991-92.
GAS TAX FUND (070)

Fund/Agy/Org-Rev

Revenue
070-510-9150-3504 Federal Share of Street Projects (PVEA) $125,000

Expenditures
070-160-B950-6000 PVEA T/S Controller Replacement (8) $125,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson

Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-575

A RESOLUTION AUTHORIZING CITY STAFF TO REQUEST PROPOSALS FOR PROVIDING CONSULTANT SERVICES FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA).

WHEREAS, in August 1990, Assemblyman Sal Cannella's staff contacted the City of Modesto and indicated that the City of Modesto might be eligible to receive funds from the Petroleum Violation Escrow Account (PVEA), and

WHEREAS, PVEA funding is derived from negotiated settlements and legal judgments against oil companies by the Federal Government for price overcharges on crude oil and refined petroleum products during the period of price control regulations from September 1973 through January 1981, and

WHEREAS, over the next five years, up to $50 million in additional PVEA funds are likely to be disbursed to the State of California, and

WHEREAS, PVEA funds allocated to states are to be used for general restitution to those who have been overcharged but who have not been identified as specific harmed parties in the litigation, and

WHEREAS, PVEA expenditures are to supplement and not supplant current funding otherwise available for such programs, and

WHEREAS, the projects need to provide energy savings and to also provide indirect benefits to injured consumers, and

WHEREAS, the project proposed by the City of Modesto is to replace eight fixed-time single dial traffic signal controllers with solid - "State of the Art" controllers; and, in addition, the work is to include rewiring the signals and installation of inductive loop detectors on the minor street to provide semi-actuated signal operation, said project to be completed by June 30, 1992, and
WHEREAS, by companion Resolution No. 91-573 adopted on September 4, 1991, the Council approved acceptance of a $125,000 Federal Grant from the Federal Trust Fund in the Petroleum Violation Escrow Account (PVEA) to carry out a new project to update eight signalized intersections on I and J Streets in Modesto, said grant will pay for 100% of the project costs (including consultant services) up to $125,000, and authorized the City Manager to execute the agreement, and

WHEREAS, the Council of the City of Modesto desires to authorize City staff to request proposals from Traffic Engineering Consultants to collect data for intersections on 9th Street (SR132), I, and J Streets and to simulate and optimize the signal network timing using computer models,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to request proposals from Traffic Engineering Consultants to collect data for intersections on 9th Street (SR132), I, and J Streets and to simulate and optimize the signal network timing using computer models.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-576

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION
OF THE 20-FOOT ALLEY IN BLOCK 88 IN THE CITY OF MODESTO
PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Mid Valley
Engineering, representing the First Baptist Church, to abandon a portion of
the 20-foot alley in Block 88 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate alleys, and

WHEREAS, said portion of the 20-foot alley is located in Block 88 in
the City of Modesto, and is more particularly described in Exhibit "A"
attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Section 8330(a) of the
California Streets and Highways Code.

2. Section 8330(a) of the California Streets and Highways Code
provides that the legislative body of a local agency may summarily vacate a
street or highway that has been superseded by relocation.

3. The abandonment will not cut off access to a person's property
which, prior to relocation, adjoined the street or highway.

4. The abandonment will terminate a public service easement,
unless the easement satisfies the requirements of Section 8333.

5. That from and after the date of this resolution is recorded,
the portion of the 20-foot alley vacated will no longer constitute an alley.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the 20-foot alley located in Block 88 in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, Engineering
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 23 and 24 in Block 88 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Commencing at the most Westerly corner of said Lot 24 in Block 88, said point being on the Northeasterly line of Eleventh Street; thence along the Southwesterly line of Lot 24 and said Northeasterly line of Eleventh Street, South 43° 29' 30" East, 2.50 feet, to the true point of beginning of this description; thence continuing along the Northeasterly line of Eleventh Street, South 43° 29' 30" East, 20.00 feet, to a point on a line which is parallel with and 22.50 feet, measured at right angles, Southeasterly from the Northwesterly line of Lot 24; thence along said parallel line, North 46° 30' 30" East, 130.00 feet; thence South 88° 29' 30" East, 5.30 feet; thence at right angles, North 01° 30' 30" East, 8.84 feet, to a point on the Southwesterly line of the 20.00 foot alley in Block 88; thence along said Southwesterly line of the alley, North 43° 29' 30" West, 17.50 feet, to a point on a line which is parallel with and 2.50 feet, measured at right angles, Southeasterly from the Northwesterly line of Lot 24; thence along said last mentioned parallel line, South 46° 30' 30" East, 140.00 feet, to the point of beginning.
RECOMMENDED BY:

CITY OF MODESTO
PUBLIC WORKS - TRANSPORTATION
R. MARSHALL ELIZER, JR. Director

VACATE AND ABANDON
A PORTION OF THE 20 FT.
ALLEY IN Block 88
LD 91-C

JERRY H. BUTLER, Deputy R.E. 24156

DATE DRAWN CHECKED
July 14, 1991 J.Christiansen
MODESTO CITY COUNCIL
RESOLUTION NO. 91-577

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO R-3. (NORMON OHLSON)

WHEREAS, on September 10, 1991, the City Council introduced Ordinance No. 2786-C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Brighton Avenue and Scenic Drive, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 27-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Brighton Avenue and Scenic Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-578

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO
R-2. (ROD KELLY)

WHEREAS, on September 10, 1991, the City Council introduced
Ordinance No. 2787-C.S. giving approval to a project relating to an
amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to
reclassify from Low Density Residential Zone, R-1, to Medium Density
Residential Zone, R-2, property located at the northwest corner of Merle
Avenue and Roselle Avenue, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a negative declaration in regard to the
environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 14-3-9 of the Zoning Map of
the City of Modesto to reclassify from Low Density Residential Zone, R-1, to
Medium Density Residential Zone, R-2, property located at the northwest corner
of Merle Avenue and Roselle Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember __________, who moved its adoption, which motion being duly seconded by Councilmember __________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-579

A RESOLUTION GRANTING THE APPEAL OF MID-CAL LAND
DEVELOPMENT TO THE DECISION OF THE PLANNING COMMISSION
DENYING A TIME EXTENSION FOR VESTING STATUS OF PINE TREE
VILLAGE NO. 3, A FINAL SUBDIVISION MAP, AND OVERRULING THE
DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 89-148 adopted on December 4, 1989, the
Planning Commission approved the vesting tentative map of Pine Tree Village
No. 3 Subdivision, and

WHEREAS, a final map of Pine Tree Village No. 3 vesting tentative
subdivision map was recorded on July 25, 1990, within 24 months of tentative
map approval as required by Section 4-4.601(a) of the Modesto Municipal Code,
and

WHEREAS, the vesting status is valid for one year after the map is
recorded pursuant to Modesto Municipal Code Section 4-4.405, and

WHEREAS, the vesting status for Pine Tree Village No. 3 expired on
July 25, 1991, and

WHEREAS, the County Public Facilities Fees would apply after the
expiration of the vesting status, and

WHEREAS, prior to expiration of the vesting status of the final map
approval, a letter was received from the subdivider requesting an extension of
time for the vesting status of the Pine Tree Village No. 3 vesting final
subdivision map, and

WHEREAS, the request was reviewed by the Planning Commission at its
regular meeting on August 19, 1991, in the City Council Chambers, City Hall,
801 11th Street, Modesto, California, at which meeting evidence both oral and
documentary was received and considered, and
WHEREAS, the Planning Commission, by Resolution No. 91-54, adopted on August 19, 1991, found and determined that good cause had not been shown for the requested time extension, and denied said request for the reasons set forth in said Planning Commission Resolution No. 91-54, and

WHEREAS, by letter dated August 26, 1991, an appeal was filed with the City Clerk by Mid-Cal Land Development to the decision of the Planning Commission denying a time extension for the vesting status of Pine Tree Village No. 3 vesting final subdivision map, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 10, 1991, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested extension of time for the vesting status of the Pine Tree Village No. 3 vesting final subdivision map should be granted for the following reasons, and the decision of the Planning Commission should be overruled:

1. This project provides affordable housing.
2. Some delays were caused by staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reasons set forth above, the decision of the Planning Commission denying a time extension for the vesting status of Pine Tree Village No. 3 vesting final subdivision map is hereby overruled and a one-year time
extension to July 25, 1992, is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMAN COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A COMPLETE FIELD SURVEILLANCE NIGHT VISION EQUIPMENT PACKAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing a complete field surveillance night vision equipment package copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 8, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991 by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE ROCKWELL STORM DRAIN REPLACEMENT PROJECT FOR 1991 AND INCREASING THE AMOUNT OF THE CONTRACT BY APPROXIMATELY $95,000

WHEREAS, Resolution No. 91-508, adopted by the Council of the City of Modesto on August 6, 1991, approved the plans and specifications for the rockwell storm drain replacement 1991, and authorized the calling for bids; and

WHEREAS, the bids received for the rockwell storm drain replacement 1991 were opened at 11:00 a.m. on August 27, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of $211,361 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. in the amount of $211,361 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED that the contract amount be increased by $95,000 to cover the increase in size of the project by 34 rockwells.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-582

A RESOLUTION ACCEPTING THE SCENIC BEND LIFT STATION ODOR CONTROL PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Scenic Bend lift station odor control project has been completed by B & L Builders in accordance with the contract agreement dated January 22, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Bend lift station odor control Project be accepted from said contractor, B & L Builders; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $44,003.75 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING THE INSTALLATION OF 1.2 MILLION GALLON STEEL TANK WATER RESERVOIR AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the installation of 1.2 million gallon steel tank water reservoir has been completed by Trusco Tank, Inc. in accordance with the contract agreement dated May 15, 1990.

NOW, THEREFORE, BE IT RESOLVED that the installation of 1.2 million gallon steel tank water reservoir be accepted from said contractor, Trusco Tank, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $389,109.45 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE ROCKWELL STORM DRAIN REPLACEMENT 1990 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the Rockwell storm drain replacement 1990 project has been completed by Delta Excavating in accordance with the contract agreement dated October 16, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell storm drain replacement 1990 project be accepted from said contractor, Delta Excavating; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $251,434.16 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODesto City Council
resolution No. 91-585.

A Resolution Approving Agreement Between the City of Modesto and Housing Authority of Stanislaus County for Special Police Services to the Westview Gardens Housing Project

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-586

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE JOHANSEN HIGH SCHOOL
PEDESTRIAN OVERCROSSING.

WHEREAS, the City Council certifies that at its meeting of
September 10, 1991, it reviewed and considered the findings of the City of
Modesto Environmental Assessment Committee which resulted in a negative
declaration in regard to the environmental impact relating to the Johansen
High School Pedestrian Overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to the Johansen High School Pedestrian Overcrossing.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 10th day of September,
1991, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Martin, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM OF CRAIG ALAN THOMAS, RECEIVED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 4, 1991

WHEREAS, an application for leave to present late claim of Craig Alan Thomas, against the City of Modesto, was received September 4, 1991, in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application for leave to present late claim of Craig Alan Thomas, received in the office of the City Clerk on September 4, 1991, is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
Van Bourg, Weinberg, Roger & Rosenfeld  
Attention: Sandra Rae Benson  
875 Battery Street, 3rd Floor  
San Francisco, Ca. 94111  

Re: Claim of Craig Alan Thomas  

Dear Ms. Benson:  

On September 10, 1991, the Modesto City Council, by Resolution No. rejected your request for permission to file a late claim. A copy of the resolution is enclosed for your information.

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Respectfully,

NORRINE COYLE  
City Clerk & Auditor

NC/jh  
cc: City Attorney  
    Risk Manager

Enclosure
MODESTO CITY COUNCIL
RESOLUTION NO. 91-588

A RESOLUTION APPOINTING MEMBER OF THE ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE
(NORM PORGES)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Economic Development Loan Pool Subcommittee for the respective term as indicated:

Norm Porges
Term to expire 9/30/93

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Economic Development Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBERS OF THE REHABILITATION LOAN POOL SUBCOMMITTEE
(LINDA McDaniel AND FRANK LOPEZ)

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby appointed to the Rehabilitation Loan Pool Subcommittee for the respective term as indicated:

Linda McDaniel - term to expire 6/30/93
Frank Lopez - term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Rehabilitation Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE HUMAN RELATIONS COMMISSION
(ROSE LITTLE)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Human Relations Commission for the respective term as indicated:

Rose Littler
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Horrine Coyle, City Clerk
A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION
(SALVADOR MORALES)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Salvador Morales
Term to expire 1/1/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NOLLINE COYLE, CITY CLERK
A RESOLUTION GRANTING THE APPEAL OF E. PAUL FULFER ON BEHALF OF ERIC GRIMES TO THE DECISION OF THE PLANNING COMMISSION DENYING A TIME EXTENSION FOR VESTING STATUS OF LOT 2 IN BLOCK 4026 OF THE ENGLISH MEADOWS SUBDIVISION, AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, by Resolution No. 90-499 adopted on May 1, 1990, the Planning Commission approved the vesting tentative map of English Meadows Subdivision, and

WHEREAS, a final map of English Meadows vesting tentative subdivision map was recorded on May 2, 1990, within 24 months of tentative map approval as required by Section 4-4.60-1(a) of the Modesto Municipal Code, and

WHEREAS, the vesting status is valid for one year after the map is recorded pursuant to Modesto Municipal Code Section 4-4.405, and

WHEREAS, the vesting status for English Meadows expired on May 2, 1991, and

WHEREAS, the County Public Facilities Fees would apply after the expiration of the vesting tentative status, and

WHEREAS, prior to the expiration of the vesting status of the final map approval, a letter dated May 2, 1991, was received from Eric Grimes requesting an extension of time for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map, and

WHEREAS, the request was reviewed by the Planning Commission at its regular meeting on July 15, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 91-42, adopted on July 15, 1991, found and determined that good cause had not been shown for
the requested time extension, and denied said request for the reasons set forth in said Planning Commission Resolution No. 91-42, and

WHEREAS, a Notice Of Appeal dated July 23, 1991, was filed with the City Clerk by E. Paul Fulfer on behalf of Eric Grimes to the decision of the Planning Commission denying a time extension for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map, and

WHEREAS, said appeal was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 20, 1991, at 7:30 p.m., and was thereafter continued for hearing to September 17, 1991, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the requested extension of time for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map should be granted for the following reason, and the decision of the Planning Commission should be overruled:

Extenuating circumstances developed which involved the death of the father of Mr. Eric Grimes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the reason set forth above, the decision of the Planning Commission denying a time extension for the vesting status for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map is hereby overruled, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that a 30-day extension of time, from September 17, 1991, to October 17, 1991, in which Eric Grimes may obtain a building permit for Lot 2 in Block 4026 of the English Meadows vesting final subdivision map is hereby granted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING A RESIDENT PARKING PERMIT FEE.

WHEREAS, on September 17, 1991, the Council of the City of Modesto introduced and adopted Ordinance No. 2788-C.S., permitting the creation of residential parking permit zones within the City, and

WHEREAS, said ordinance becomes effective on October 24, 1991, and

WHEREAS, said ordinance provides that the Council may from time to time establish a fee for resident parking required by residents in any residential parking permit zone, and

WHEREAS, the basis of the fee is to defray some of the City's costs of the creation and administration of residential parking permit zones and of the enforcement of the above described ordinance, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the recommended resident parking permit fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there shall be a one-time fee for resident parking permits in the City of Modesto of Ten and no/100ths ($10.00) Dollars per household at the time the household elects to participate in its residential parking permit zone.

BE IT FURTHER RESOLVED that staff shall evaluate the fee provisions hereby provided and report to Council not later than November 1, 1992.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry, Patterson,

ABSENT: Councilmembers: None

ATTEST:______________________________
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-593

A RESOLUTION ESTABLISHING A RESIDENT PARKING PERMIT FEE.

WHEREAS, on September 17, 1991, the Council of the City of Modesto introduced and adopted Ordinance No. 2788-C.S., permitting the creation of residential parking permit zones within the City, and

WHEREAS, said ordinance becomes effective on October 24, 1991, and

WHEREAS, said ordinance provides that the Council may from time to time establish a fee for resident parking permits required by residents in any residential parking permit zone, and

WHEREAS, the basis of the fee is to defray some of the City's costs of the creation and administration of residential parking permit zones and of the enforcement of the above described ordinance, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the recommended resident parking permit fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for a resident parking permit in the City of Modesto shall be Ten and no/100ths ($10.00) Dollars per permit per calendar year.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Dobbs, Irizarry, Patterson,

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST:

NORRINE COYLE, City Clerk

(SEAL)
A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created on the west side of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that each household electing to participate in the zone hereby established shall pay a one time fee of Ten and no/100ths ($10.00) Dollars per household at the commencement of its participation in zone privileges.

AMENDED paragraph 4

102591

on 12-13-2016

By Resolution 2016-499

10987CA2

AMENDED paragraph 6

on 10-02-1991

By Resolution 91-UAA
BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember __________, who moved its adoption, which motion being duly seconded by Councilmember __________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: __________

NOES: Councilmembers: __________

ABSENT: Councilmembers: __________

ATTEST: 

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created on the west side of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths ($10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1993.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created on the west side of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths ($10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1992.
BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-594

A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL.

WHEREAS, Sections 3-2.1900 through 3-2.1917 of the Modesto Municipal Code provide that the Council may establish by resolution residential parking permit zones in neighborhoods with unique parking problems, and

WHEREAS, the Council held a public hearing at its regular meeting on September 17, 1991, to consider the requested residential parking permit zone near Modesto High School, and

WHEREAS, the Council finds that the area proposed for permit zone designation has serious and unique parking problems due to the large numbers of students and faculty at Modesto High School, and

WHEREAS, the Council finds that the needs of area residents for tranquility and security outweigh the needs of nonresidents to park upon the streets of the proposed area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a residential permit parking zone is created for both sides of Yosemite Avenue between Tuolumne Boulevard and Paradise Road in the City of Modesto.

BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday.

BE IT FURTHER RESOLVED that the required fee of Ten and no/100ths ($10.00) Dollars per permit per year is waived for one year for the residents of the zone hereby created and that residents of said zone shall be charged permit fees on and after January 1, 1992.
BE IT FURTHER RESOLVED that this resolution shall become effective on and after October 24, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Mayor Lang

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT COFFEE ROAD AND ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the traffic signal modifications at Coffee Road and Orangeburg Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 15, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-596

A RESOLUTION ACCEPTING THE IMPROVEMENT DISTRICT NO. 28 - SANITARY SEWER
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Improvement District No. 28 - sanitary sewer project

has been completed by Superior Pipelines, Inc.,

in accordance with the contract agreement dated January 2, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Improvement District No. 28 - sanitary sewer project

be accepted from said contractor, Superior Pipelines, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $787,005.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-597

A RESOLUTION ACCEPTING THE JOHN THURMAN FIELD BLEACHER RENOVATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the John Thurman Field bleacher renovation has been completed by Playground Products, Inc. in accordance with the contract agreement dated January 22, 1991.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman Field bleacher renovation be accepted from said contractor, Playground Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $44,362.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, CITY CLERK
A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIX USED SEDANS FROM GOLDEN GATE AND/OR BAY CITIES AUTO AUCTION

WHEREAS, the Public Works and Transportation Department, Service Division, has requested the purchase of six used sedans to replace vehicles that are no longer serviceable; and

WHEREAS, for the past few years, Golden Gate Auto Auction in Fremont and Bay Cities Auto Auction in Hayward have been selected by the City to furnish vehicles because they have a wide selection of vehicles at a lower acquisition cost, and a high quality that has served the City well.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of six used sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of six used sedans from Golden Gate and/or Bay Cities Auto Auction for a total cost not to exceed $78,350, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-599

A RESOLUTION REJECTING ALL BIDS FOR WORD PROCESSING COMPUTER HARDWARE AND SOFTWARE SYSTEMS, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 8, 1991

WHEREAS, Resolution No. 91-113 adopted by the Council of the City of Modesto on February 26, 1991, approved the plans and specifications for furnishing word processing computer hardware and software systems, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of word processing computer hardware and software systems were opened at 11:00 a.m. on April 8, 1991; and

WHEREAS, during the course of proposal evaluation, requests were received from many work sites resulting in modifications that will change the specifications to the point that rejecting of proposals and resolicitation with a revised specification is required.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the furnishing of word processing computer hardware and software systems, opened in the office of the City Clerk on April 8, 1991, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
CONSENTING TO AND CALLING A JOINT PUBLIC HEARING ON THE
PROPOSED AMENDED REDEVELOPMENT PLAN FOR THE MODESTO
REDEVELOPMENT PROJECT AND THE FINAL ENVIRONMENTAL IMPACT
REPORT RELATING THERETO.

WHEREAS, the Redevelopment Agency of the City of Modesto (the
"Agency"), by Resolution No. 18-91 on September 17, 1991, submitted
to the City Council of the City of Modesto (the "City Council") a proposed
Amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment
Project (the "Project") and consented to and requested that the City Council
call a joint public hearing of the Agency and the City Council to consider and
act upon the proposed Amended Plan, together with a joint public hearing on
the proposed Final Environmental Impact Report (the "Final EIR") on the
proposed Amended Plan, and

WHEREAS, the City Council acknowledges receipt of the proposed
Amended Plan, along with the Report to the City Council and the proposed Final
EIR on the Amended Plan, and

WHEREAS, Section 33458 of the California Community Redevelopment Law
(Health and Safety Code Section 33000 et seq.) authorizes a joint public
hearing on the proposed Amended Plan with the consent of the Agency and the
City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Modesto as follows:

SECTION 1. The City Council hereby consents to and, at the request
of the Agency, calls a joint public hearing of the Agency and the City Council
on Tuesday, October 22, 1991, at 6:30 p.m. in the City Council Chambers to
consider and act upon the proposed Amended Plan and all documents and evidence pertaining thereto, together with a joint public hearing on the proposed Final EIR for the Project.

SECTION 2. The City Clerk of the City of Modesto shall, in cooperation with the Secretary of the Agency, prepare, publish and mail such notices and documents and do all other acts as may be necessary to carry out the purposes of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-601

A RESOLUTION DIRECTING THE CITY ATTORNEY TO COMMENCE CIVIL
LITIGATION TO GAIN COMPLIANCE WITH HOUSING CODES FOR
CERTAIN STRUCTURES IN THE MANDATORY INSPECTION TARGET AREA
NO. 3 AND FOR ABATEMENT OF CERTAIN OTHER NUISANCES.

WHEREAS, Section 731 of the Code of Civil Procedure permits the City
Attorney to bring civil actions to abate public nuisances on behalf of the
People of California "whenever directed by the legislative authority of [the]
town or city" in which such property is located, and

WHEREAS, staff departments have referred certain cases set forth
below to the City Attorney requesting that the property owners be compelled to
abate major substandard or dangerous conditions of the dwellings upon their
properties or to demolish substandard structures, and

WHEREAS, the majority of the said cases arose from failure of owners
to correct serious substandard conditions identified pursuant to the mandatory
inspection program of Target Area No. 3, and

WHEREAS, Housing and Building staff have worked with these owners
for as long as six years without achieving voluntary compliance, and

WHEREAS, it is now necessary to file civil complaints for injunctive
relief against each of the said owners to compel compliance with City housing,
zoning, plumbing, and electrical codes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Attorney be, and hereby is, directed to commence civil
litigation against the owners of the properties set forth below to compel
compliance with City housing, zoning, plumbing, and electrical codes as
follows:
<table>
<thead>
<tr>
<th>Owner(s)</th>
<th>Address</th>
<th>Conditions Requiring Abatement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alejandro Espinosa&lt;br&gt;Fe De Guadalupe Espinosa&lt;br&gt;Saul Garcia Espinosa&lt;br&gt;Noemi Espinosa</td>
<td>317 Paradise</td>
<td>Exposed electrical wiring, etc.</td>
</tr>
<tr>
<td>Marcelino De1a-Torre&lt;br&gt;Esperanza De1a-Torre</td>
<td>919 Fourth</td>
<td>Dry rot; hazardous water heater; exposed electrical wiring; missing wall and ceiling plaster; improperly vented furnace; broken windows; cars, debris on lot; etc.</td>
</tr>
<tr>
<td>Maria C. Jaime&lt;br&gt;Esperanza Jaime&lt;br&gt;Javier Jaime</td>
<td>124 Merced</td>
<td>Substandard plumbing, electrical system, foundation, floors, drains, sewers, windows, venting, roof; garage conversion has substandard framing; unsafe chimney; etc.</td>
</tr>
<tr>
<td>Wendy W. Lee</td>
<td>830 Second</td>
<td>Substandard dwelling; etc.</td>
</tr>
<tr>
<td>Lucio Rodriguez&lt;br&gt;Kathy Ann Pratt-Rodriguez</td>
<td>820½ Third</td>
<td>Dry Rot; holes in exterior walls, broken windows, substandard water heater; broken gas shutoff valve; etc.</td>
</tr>
<tr>
<td>Chemanoor Zachariah&lt;br&gt;Bernadette Zachariah</td>
<td>215 &quot;I&quot;</td>
<td>Deflected floor; dry rot; hazardous wiring; loose plumbing fixtures; broken windows and screens; etc.</td>
</tr>
<tr>
<td>William C. Land, Jr.</td>
<td>341 Alturas</td>
<td>Substandard plumbing and electrical wiring; dry rot; broken windows, doors, and vents; etc.</td>
</tr>
<tr>
<td>Manual Salcedo</td>
<td>315 Linden</td>
<td>Substandard dwelling; etc.</td>
</tr>
<tr>
<td>Carl Christiansen</td>
<td>1007 Fifth</td>
<td>Substandard dwelling; etc.</td>
</tr>
<tr>
<td>Carl Christiansen</td>
<td>415 &quot;J&quot;</td>
<td>Substandard dwelling; etc.</td>
</tr>
</tbody>
</table>
11. Preston E. Gritton  
Kathleen J. Gritton  
Raylen W. Gritton  
Patricia Gritton  
430 Washington (14 units)  
Dry rot; loose light fixtures; deteriorated floors; broken screens and windows; unapproved light fixtures, water heater connections, fuses, gas lines; deteriorated plumbing fixtures; etc.

12. Heirs of Nathaniel Dill  
212 Oak  
Accumulation of hazardous or combustible trash; insecure building; etc.

13. Rudolfo Sandoval  
Lourdes Sandoval  
320 Rosedale  
Substandard dwelling; etc.

14. Dorothy Ostrum  
2244 Scenic  
Six-foot fence built in right of way; patio cover encroaches into five-foot setback.

15. Jonathan Higgenbotham  
dba Johnathan's Market  
2307 Oakdale Rd.  
Extensive commercial construction without building permit or inspection.

16. Celeste Villa  
Retirement Center  
1316 Celeste  
Fire code violations: exit lights not functioning; exposed wiring; inoperable smoke detectors and alarm; etc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

091791 -3- 10980CA2
RESOLUTION NO. 91-602

A RESOLUTION APPROVING THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS' ABANDONED VEHICLE ABATEMENT PROGRAM AND PLAN.

WHEREAS, the Stanislaus Area Association of Governments (SAAG) finds and declares that the problem of abandoned vehicles is continuing to grow and recognizes that local governments have insufficient resources to adequately address the problem, and

WHEREAS, SAAG further finds that the increase in abandoned vehicles is not only a public nuisance, but a danger to the public's health and safety, and

WHEREAS, Section 22710(a) of the Vehicle Code authorizes that a service authority may be established for the abatement of abandoned vehicles, and a one ($1) dollar motor vehicle registration fee imposed by the Department of Motor Vehicles, if the County Board of Supervisors, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the County have adopted resolutions providing for the establishment of the authority and imposition of the fee, and

WHEREAS, SAAG has been approved as the Service Authority pursuant to Section 22710(a) of the Vehicle Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The City Council approves the imposition of a one ($1) dollar fee on vehicles registered to an owner with an address in the County of Stanislaus pursuant to Section 22710 of the Vehicle Code.

2. The City Council designates the Stanislaus Area Association of Governments (SAAG) as the "Service Authority" in accordance with Section 22710 of the Vehicle Code.
3. The membership of SAAG, as the Service Authority, is as follows: 5 members of the Stanislaus County Board of Supervisors, 3 members of the Modesto City Council, and 1 member of the City Council of each of the eight remaining cities in the County of Stanislaus.

4. The City Council approves SAAG's Abandoned Vehicle Abatement Program and Plan, a copy of which has been made available to the Clerk of the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORMINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-603

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF WHITMORE, JOHNSON & BOLANOS TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Whitmore, Johnson & Bolanos to provide legal services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-604

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF RICHARD RUGGIERI TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Richard Ruggieri to provide legal services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-605

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF NOSSAMAN, GUTHNER, KNOX & ELLIOTT TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Nossaman, Guthner, Knox & Elliott to provide legal services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF McDONOUGH, HOLLAND & ALLEN TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of McDonough, Holland & Allen to provide legal services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-607

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LAW FIRM OF HANSEN, BRIDGETT, MARCUS, VLAHOS & RUDY TO PROVIDE LEGAL SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the law firm of Hansen, Bridgett, Marcus, Vlahos & Rudy to provide legal services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-608

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U. S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the
Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to execute grant agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

6. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
FY 1991/92
SECTION 9
PROGRAM OF PROJECTS

Urbanized Area: Modesto, California
Designated Recipient: California Department of Transportation
Grantee: City of Modesto

Apportionment for FY 1991/92: $1,332,908

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. CAPITAL PROJECTS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Replace wheelchair lifts on 5 Gillig Phantoms</td>
<td>$ 5,225</td>
<td>$ 99,275</td>
<td>$ 104,500</td>
</tr>
<tr>
<td>2. Replace 24 fareboxes with electronic fareboxes</td>
<td>$ 22,522</td>
<td>$ 90,086</td>
<td>$ 112,608</td>
</tr>
<tr>
<td>3. Purchase computer software</td>
<td>$ 1,235</td>
<td>$ 4,940</td>
<td>$ 6,175</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$ 28,982</td>
<td>$ 194,301</td>
<td>$ 223,283</td>
</tr>
<tr>
<td>II. OPERATING ASSISTANCE for period of 7/1/91 to 6/30/92</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$2,686,691</td>
<td>$1,046,937</td>
<td>$3,733,628</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,715,673</td>
<td>$1,241,238</td>
<td>$3,956,911</td>
</tr>
</tbody>
</table>

* Assumes deobligation of $183,140 in operating funds from CA-90-X265 and $159,022 in operating funds from CA-90-X351.

EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 91-609

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
CALL FOR BIDS FOR DOWNTOWN SHOP REROOFING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for downtown shop reroofing

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive

sealed bids for the above named project, to be opened in the office of the City

Clerk, 801 11th Street, in the City of Modesto, on October 10, 1991, at 11:00 a.m.

and the City Clerk is hereby directed to give notice inviting such sealed bids

in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed

and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council

of the City of Modesto held on the 24th day of September, 1991,

by Councilmember Martin, who moved its adoption, which motion

being duly seconded by Councilmember Dobbs, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-610

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SONOMA PARK GAME COURTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Sonoma Park game courts, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 17, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Mauritine Coyle, City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW TRACTOR/LOADER

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one new tractor/loader copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 14, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember ________ Martin ________, who moved its adoption, which motion being duly seconded by Councilmember ________ Dobbs ________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
NORRINE COYLE, CITY CLERK
A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE AIRPORT TERMINAL APRON RECONSTRUCTION

WHEREAS, Resolution No. 91-525, adopted by the Council of the City of Modesto on August 13, 1991, approved the plans and specifications for the Airport terminal apron reconstruction and authorized the calling for bids; and

WHEREAS, the bids received for the Airport terminal apron reconstruction were opened at 11:00 a.m. on September 12, 1991 and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Teichert Construction in the amount of $119,962 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction in the amount of $119,962 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NARRINE COYLE, City Clerk
AMENDED

MODESTO CITY COUNCIL

RESOLUTION NO. 91-613

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND TRIPS, INC.
TO EXTEND THE EXISTING MODESTO AREA EXPRESS OPERATIONS CONTRACT FROM NOVEMBER 1, 1991 THROUGH MAY 2, 1992

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and TRIPS, Inc. to extend the existing Modesto Area Express operations contract from November 1, 1991 through May 2, 1992 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
AMENDED
MODESTO CITY COUNCIL
RESOLUTION NO. 91-614


BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Storer Transit Services to extend the existing Dial-A-Ride operations contract from February 19, 1992 through October 31, 1992 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION AUTHORIZING THE AMENDING OF GRANT CA-90-X351 WITH THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U. S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the
Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to execute grant agreements on behalf of the City of Modesto with the U. S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

6. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
AMENDED
SECTION 9
PROGRAM OF PROJECTS

URBANIZED AREA: City of Modesto
DESIGNATED RECIPIENT: Caltrans
GRANTEE: City of Modesto
PROGRAM NUMBER: CA-90-X351-01

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. CAPITAL PROJECTS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Replacement Buses</td>
<td>$283,350</td>
<td>$1,133,400</td>
<td>$1,416,750</td>
</tr>
<tr>
<td>(2) Additional Funding For Transportation Center</td>
<td>189,332</td>
<td>757,328</td>
<td>946,660</td>
</tr>
<tr>
<td>(3) Bus Stop Signs</td>
<td>4,600</td>
<td>18,400</td>
<td>23,000</td>
</tr>
<tr>
<td>Subtotal Capital</td>
<td>$477,282</td>
<td>$1,909,128</td>
<td>$2,386,410</td>
</tr>
<tr>
<td>II. OPERATING ASSISTANCE for period from 7/1/88 to 6/30/90</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$2,885,206</td>
<td>$2,272,468</td>
<td>$5,157,674</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$3,362,488</td>
<td>$4,181,596</td>
<td>$7,544,084</td>
</tr>
</tbody>
</table>

EXHIBIT "A"
RESOLUTION NO. 91-616

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A GRANT APPLICATION WITH THE CALIFORNIA TRANSPORTATION COMMISSION FOR STATE TRANSIT CAPITAL IMPROVEMENT (TCI) PROGRAM FUNDS.

WHEREAS the Transit Capital Improvement Program makes funds available for various major transit facilities and projects, and the Program provides up to 50% of the non-federal share of the cost of the project, and

WHEREAS, the City of Modesto would be eligible to receive a maximum of $210,000 for the rebuilding of three 1976 buses to assist in financing said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the California Transportation Commission for a $210,000 grant under the State Transit Capital Improvement Program to assist in financing said project.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is authorized to execute any and all other documents which may be required in relation to this application.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS FOR FISCAL YEAR 1991/92.

WHEREAS, the Transit Section's Disadvantaged Business Enterprise (DBE) Program adopted by Council on May 2, 1988, prescribes the establishment of an annual goal for DBE participation in transit contract awards, and

WHEREAS, the Urban Mass Transportation Administration (UMTA) requires each grantee to submit its DBE goal on an annual basis, and

WHEREAS, UMTA has recommended adoption of a 13% goal for Modesto, and

WHEREAS, UMTA has approved a draft copy of the City's Fiscal Year 1991/92 DBE goal,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt a DBE goal of 13% for participation in transit contract awards for Fiscal Year 1991/92.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
091691
MODESTO CITY COUNCIL
RESOLUTION NO. 91-618

A RESOLUTION CHANGING THE STREET NAME OF AMAZON COURT TO MALOS COURT IN THE RIVER TERRACE SUBDIVISION IN THE CITY OF MODESTO.

WHEREAS, it is proposed by Kaufman and Broad to change the street name of Amazon Court, a street located at the north end of River Terrace Subdivision, to Malos Court, and

WHEREAS, the street is in a new subdivision where no homes have yet been built, and

WHEREAS, Kaufman and Broad own all of the lots on the court, and

WHEREAS, the proposed name change is being requested by a man who was raised on the above-referenced site and Kaufman and Broad has asked that a street be named in memory of his father, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, the street name change request has been referred to the Police Chief, Fire Chief, Public Works and Transportation Department, Postmaster, and Stanislaus County Emergency Services, and no objections were received, and

WHEREAS, Stanislaus County Planning and Community Development Department has confirmed Malos Court is not a duplicate name in the County and the name change is acceptable, and
WHEREAS, Kaufman and Broad has paid the City $53.00 for a replacement street sign for Malos Court which will be ordered after City Council approval of the name change, and

WHEREAS, said matter was considered by the City Council at its meeting held at 4:00 p.m. on September 24, 1991, in the Council Chambers located at 801 11th Street in the City of Modesto, at which time it was found and determined that it is desirable to change the street name of Amazon Court to Malos Court, and

WHEREAS, the City has adopted Street Name Change Policy No. 3.017 to give affected property owners adequate time to adjust to the street name change by notifying banks, friends, etc., and said policy provides that street name changes shall take effect 180 days from City Council action, and

WHEREAS, because there are no residents on the affected property in this matter and the property owner initiated the street name change, staff recommends that the street name change become effective immediately,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the street name of Amazon Court be changed from Amazon Court to Malos Court, and said name change is hereby approved.

BE IT FURTHER RESOLVED that the street name change shall become effective immediately.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers:  Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES:    Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-619

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A FIRE SAFETY TRAILER FROM THE BUILDING INDUSTRY ASSOCIATION.

WHEREAS, on September 12, 1991, the Building Industry Association presented a Fire Safety Trailer to the Modesto Fire Department, and

WHEREAS, the Fire Safety Trailer is a mockup of a home kitchen and bedroom and is designed to assist personnel instructing children in home fire safety and will allow children to safely experience exiting a home that may be on fire, and

WHEREAS, said trailer will be used to enhance school and community programs, and

WHEREAS, said trailer will be housed at Fire Station #9 and will be available for use by all other Fire Departments in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Building Industry Association's donation of the Fire Safety Trailer is hereby accepted with appreciation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(ATTEST: Norrine Coyle, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

092091 10995CA2
A RESOLUTION ACCEPTING IMPROVEMENTS IN CAPE COD ESTATES NO. 8 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Pan Capital, Inc., subdividers of Cape Cod Estates No. 8 Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $87,100.00 and $43,550.00 respectively to guarantee improvements in Cape Cod Estates No. 8 and;

WHEREAS, the Director of Public Works in a memorandum dated September 13, 1991, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the subdivision bonds upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Cape Cod Estates No. 8 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of $87,100.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of $43,550.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-621

A RESOLUTION ACCEPTING THE RESIGNATION OF LORI NEIMARK FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Lori Neimark was appointed a member of the Citizens Advisory Committee on Recycling on February 19, 1991; and

WHEREAS, Lori Neimark has tendered her resignation from the Citizens Advisory Committee on Recycling effective September 24, 1991.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Lori Neimark from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Lori Neimark for her service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-622

A RESOLUTION AMENDING PARAGRAPH SIX OF RESOLUTION NO. 91-594 ENTITLED "A RESOLUTION ESTABLISHING A RESIDENTIAL PERMIT PARKING ZONE IN THE AREA OF MODESTO HIGH SCHOOL."

WHEREAS, by Resolution No. 91-594 adopted on September 17, 1991, the Council of the City of Modesto established a residential permit parking zone in the area of Modesto High School, and

WHEREAS, in paragraph six of said resolution parking was prohibited in said zone between the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday, and

WHEREAS, the Council desires to change the time in which parking is prohibited in said zone,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends paragraph six of Resolution No. 91-594 entitled "A Resolution Establishing A Residential Permit Parking Zone In The Area Of Modesto High School" to read as follows:

"BE IT FURTHER RESOLVED that parking shall be prohibited in said zone between the hours of 8:00 a.m. to 10:00 p.m. 7 days a week."

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 91-594 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Martin, Mayor Lang

NOES: Councilmembers: Irizarry, Muratore, Patterson

ABSENT: Councilmembers: None

Attest: Judy Hall, Acting
for NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-622A

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM AND SONS, INC. FOR MISCELLANEOUS STORM DRAIN REPAIRS - THIRD AND I AND FOURTH AND F STREETS

WHEREAS, Resolution No. 91-554, adopted by the Council of the City of Modesto on August 23, 1991, approved the plans and specifications for miscellaneous storm drain repairs - Third and I and Fourth and F Streets and authorized the calling for bids; and

WHEREAS, the bids received for miscellaneous storm drain repairs - Third and I and Fourth and F Streets were opened at 11:00 a.m. on September 19, 1991 and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Cunningham and Sons, Inc. in the amount of $79,394.90 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cunningham and Sons, Inc. in the amount of $79,394.90 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:
MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-623

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. LANDSCAPE ARCHITECTS TO FURNISH THE PRELIMINARY SITE PLANS, UTILITY DEMANDS AND ESTIMATES OF PROBABLE COSTS FOR THE PARK SITES, VILLAGE GREEN AND VILLAGE MEETING HALL ON THE VILLAGE I PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. Landscape Architects to furnish the preliminary site plans, utility demands and estimates of probable costs for the park sites, village green and village meeting hall on the Village I project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-623A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BSI, INC. TO FURNISH THE PRELIMINARY SITE PLANS, UTILITY DEMANDS AND ESTIMATES OF PROBABLE COSTS FOR GATEWAY PARK, THE STREETSCAPES AND INTERSECTIONS ON THE VILLAGE I PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and BSI, Inc. to furnish the preliminary site plans, utility demands and estimates of probable costs for Gateway Park, the streetscapes and intersections on the Village I project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: HORRINE COYLE, City Clerk
A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE ROBERTSON ROAD NEIGHBORHOOD PARK, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, Robertson Road Neighborhood Park is a 6.8 acre park site located north of Robertson Road Elementary School, bounded on the west by Crippen Avenue, on the east by Hammond Street, and on the north by Red Pine Drive, and

WHEREAS, the Master Plan for Robertson Road Neighborhood Park has been prepared by Recreation Systems, Inc., and

WHEREAS, the Environmental Assessment Committee has concluded its study, and

WHEREAS, the Council certifies that at its meeting of October 1, 1991, it reviewed and considered the Findings of the City of Modesto Environmental Assessment Committee, which resulted in a negative declaration in regard to the environmental impact relating to the development of the Robertson Road Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Robertson Road Neighborhood Park as prepared by Recreation Systems, Inc.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the development of the Robertson Road Neighborhood Park.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST:

NORRINE KOYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-625

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO A
CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC
EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE
CITY OF MODESTO.

WHEREAS, the Public Employees' Retirement Law permits the
participation of public agencies and their employees in the Public Employees' 
Retirement System by the execution of a contract, and sets forth the procedure 
by which said public agencies may elect to subject themselves and their 
employees to amendments to said Law, and

WHEREAS, one of the steps in the procedures to amend this contract 
is the adoption by the governing body of the public agency of a resolution 
giving notice of its intention to approve an amendment to said contract, which 
resolution shall contain a summary of the change proposed in said contract, and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20024.2 (One-Year Final Compensation) for local 
miscellaneous members and local safety members only, including 
extension of the funding period to the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 
that it does hereby declare its intention to approve an amendment to the 
contract between the City of Modesto and the Board of Administration of the 
Public Employees' Retirement System, a copy of said proposed amendment being 
attached hereto, as an "Exhibit" and by this reference made a part hereof.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 
7507, notice is hereby given that Tuesday, __October 22__, 1991, at the hour 
of __4:00__ p.m., in the Council Chambers, 801 11th Street, Modesto, 
California, is hereby fixed as the date, time and place for adoption of the 
proposed amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: NORRINE COYLE, City Clerk
AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
OF THE
CITY OF MODESTO


A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective April 14, 1987, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

EXHIBIT
4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. **POLICE COURT EMPLOYEES; AND**
   b. **ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.**

5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21251.13 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at 60 Full and Modified).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).

8. Public Agency elected to be subject to the following optional provisions:

   a. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
   b. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
   c. Section 21222.6 (Special 15% Increase for Local Miscellaneous Members).
   d. Sections 21380-21387 (1959 Survivor Benefits) excluding Section 21382.2 (Increased 1959 Survivor Benefits) and Section 21382.4 (Third Level of 1959 Survivor Benefits) for local safety members.
   e. Sections 21380-21387 (1959 Survivor Benefits) including Section 21382.2 (Increased 1959 Survivor Benefits) for local miscellaneous members.
   f. Section 20024.2 (One-Year Final Compensation).
   g. Section 21298 (Improved Non-Industrial Disability Allowance) for local miscellaneous members only.
h. Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local safety members; and those local miscellaneous members who entered into membership prior to October 20, 1981.

i. Section 21222.85 (Special 3% - 15% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1974.

j. Section 20461.6 (Different Level of Benefits), applicable to Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local miscellaneous members entering membership on or after October 20, 1981.

k. Section 21222.72 (Special 4% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1981.

l. Section 21222.4 (Special 15% Increase for Local Safety Members).

9. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.

10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

11. Public Agency shall also contribute to said Retirement System as follows:

a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ______________ day of ______________, 19

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
CHIEF, CONTRACT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY
Presiding Officer

Witness Date

Attest:

Clerk

PERS-CON-702 (AMENDMENT)
(Rev. 3/91)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-626

A RESOLUTION APPROVING THE REQUEST OF OLAN MILLS STUDIO FOR REFUND OF $589.92 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Olan Mills Studio for refund of $589.92 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-627

A RESOLUTION APPROVING THE REQUEST OF SIERRA PACIFIC CUTTING DIES FOR REFUND OF $730.65 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Sierra Pacific Cutting Dies for refund of $730.65 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-628

A RESOLUTION APPROVING THE REQUEST OF CHARLES SCHWAB & COMPANY FOR REFUND OF $789.31 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Charles Schwab & Company for refund of $789.31 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

NORMAINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-629

A RESOLUTION APPROVING THE REQUEST OF THOMPSON-HYSSELL, INC. FOR REFUND OF $1,225.62 FOR OVERPAYMENT OF BUSINESS IMPROVEMENT AREA TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Thompson-Hysell, Inc. for refund of $1,225.62 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-630

A RESOLUTION APPROVING A GRANT AGREEMENT FOR $1,367 WITH THE MODESTO INSTITUTE FOR CONTINUED LEARNING FOR A CABLE TELEVISION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and the Modesto Institute for Continued Learning to produce a cable television program on the Institute's education program for seniors and retirees, and in the amount of $1,367 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-631

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $44,400 TO PURCHASE THERMOPLASTIC APPLICATION EQUIPMENT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Capital Facilities Fees $(138 800 6000 8003) $44,400
TO: Thermoplastic Application Equipment $(138 160 8503 6000) $44,400

It is necessary to transfer funds in order to provide thermoplastic application equipment in response to additional traffic marking work caused by growth.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-632

A RESOLUTION APPOINTING MEMBER OF THE AFFIRMATIVE ACTION COMMISSION AS THE LIAISON FROM THE HUMAN RELATIONS COMMISSION (ROSE LITTNER)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Affirmative Action Commission for the respective term as indicated:

Rose Littler
Term to expire 12/31/92

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
RESOLUTION NO. 91-633

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF RIVERSIDE PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the construction of Riverside Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 31, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

WHEREAS, the sum of Thirty-Two Thousand Two Hundred Twenty-Six ($32,226) Dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the Special Fund For Capital Outlays and appropriate it for the acquisition of a Wang VS 6000 CPU for the Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended as follows:

**General Fund (Fund 010)**

**Revenue**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-190-0000-7202</td>
<td>Asset Seizures</td>
<td>$32,226</td>
</tr>
<tr>
<td>130-700-7000-9010</td>
<td>Transfer in From Fund 010</td>
<td>$32,226</td>
</tr>
</tbody>
</table>

**Expenditure**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-700-7000-7130</td>
<td>Transfer Out To Fund 130</td>
<td>$32,226</td>
</tr>
<tr>
<td>130-190-B508-6000</td>
<td>Wang VS 6000 CPU</td>
<td>$32,226</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember __Martin____, who moved its adoption, which motion being duly seconded by Councilmember __Dobbs____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING THE PURCHASE OF A NEW WANG CPU FOR THE POLICE DEPARTMENT

WHEREAS, the Police Department has requested the purchase of a new Wang CPU; and

WHEREAS, the existing equipment is Wang, and upgrading the system requires that only Wang equipment be purchased as there are no acceptable upgrade substitutes for Wang equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a new Wang CPU for the Police Department is hereby waived.

BE IT FURTHER RESOLVED that purchase of a new Wang CPU for a total cost of $80,854.60 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-636

A RESOLUTION IN SUPPORT OF RED RIBBON WEEK, OCTOBER 19-27, 1991, AND A DRUG-FREE COMMUNITY.

WHEREAS, Red Ribbon Week was established to remember Drug Agent Enrique Camerina who was killed by drug traffickers, and it will draw attention to the problems drugs are causing in our community, and

WHEREAS, Red Ribbon Week will be recognized nationwide with many local organizations, both grass roots and governmental, participating in Red Ribbon Week activities, and

WHEREAS, the City Council's support of Red Ribbon Week will remind the community of the consequences of drug use, and

WHEREAS, in contrast, the wearing of Red Ribbons by nondrug users will allow them to proudly tell their community they are drug free,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Red Ribbon Week, October 19-27, 1991, and a drug free community.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-637

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL TO PREPARE THE CHARACTERIZATION SECTION FOR PART 1 OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL STORMWATER PERMIT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Brown and Caldwell to prepare the Characterization Section for Part 1 of the National Pollutant Discharge Elimination System Municipal Stormwater Permit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATT: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEW-GARCIA-DAVIS TO PREPARE THE SYSTEM MAP OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT APPLICATION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Lew-Garcia-Davis to prepare the system map of the National Pollutant Discharge Elimination System, Stormwater Permit Application be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-639  

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $9,653.00 FROM CONTINGENCY RESERVE TO PURCHASE A REPLACEMENT COPY MACHINE FOR OFFICE SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve  
$9,653.00 
(130 800 8000 8003) 

TO: Office Services Capital Account  
$9,653.00 
(010 120 1252 5000) 

Due to increased copy requirements and machine breakdowns, funds are needed to purchase a replacement copy machine for Office Services/City Hall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JULY C. HALL, Acting City Clerk
A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION (JAN SMITH) AS CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE LIAISON

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Citizens Housing and Community Development Committee as Planning Commission Liaison:

   Jan Smith
   Term expires: 6/30/94

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO NEW VACUUM SEWER CLEANING TRUCKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two new vacuum sewer cleaning trucks, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 18, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-642

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING THREE DIESEL MOWERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing three diesel mowers copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 18, 1991, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for replacing City Hall word processing system copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 19, 1991, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEND: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF HENNINGS BROTHERS DRILLING COMPANY, INC. FOR WATER WELL CONSTRUCTION SERVICES

WHEREAS, Resolution No. 91-555, adopted by the Council of the City of Modesto on August 23, 1991, approved the plans and specifications for water well construction services and authorized the calling for bids; and

WHEREAS, the bids received for water well construction services were opened at 11:00 a.m. on September 23, 1991 and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Hennings Brothers Drilling Co., Inc. in the amount of $250,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hennings Brothers Drilling Co., Inc. in the amount of $250,000 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEND: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-645

A RESOLUTION ACCEPTING THE BID OF C.W. DELTA ROOFING, INC. FOR REROOFING
THE DOWNTOWN SHOP

WHEREAS, Resolution No.91-609, adopted by the Council of the City of
Modesto on September 24, 1991, approved the plans and specifications for
reroofing the downtown shop

and authorized the calling for bids; and

WHEREAS, the bids received for reroofing the downtown shop

were opened at 11:00 a.m. on October 10, 1991, and later tabulated by the
Director of Public Works & Transportation for the consideration of the
Council; and

WHEREAS, the Director of Public Works has recommended that
the bid of C.W. Delta Roofing, Inc. in the amount of $24,575

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
the bid of C.W. Delta Roofing, Inc. in the amount of $24,575
be accepted and the execution of a contract for the completion of the project
by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of October, 1991, by
Councilmember Martin, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE DRY CREEK BIKE AND PEDESTRIAN BRIDGE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the Dry Creek bike and pedestrian bridge has been completed by Western Stone Products, Inc. in accordance with the contract agreement dated August 21, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Dry Creek bike and pedestrian bridge be accepted from said contractor, Western Stone Products, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $240,438.92 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-647

A RESOLUTION AUTHORIZING CITY STAFF TO CALL FOR PROPOSALS
FOR PREPARATION OF A LIBRARY SERVICES AND FINANCIAL MASTER
PLAN IN CONJUNCTION WITH STANISLAUS COUNTY.

WHEREAS, during the last budget cycle, the City Council of the City
of Modesto ("City") expressed an interest in participating with the County of
Stanislaus ("County") to have prepared a Master Plan for Stanislaus County
Free Library ("Library"), and

WHEREAS, the Plan would provide guidance to both jurisdictions in
future management of the Library System, and

WHEREAS, City and County staffs have drafted a Request for Proposals
("RFP") (attached as Exhibit "A") for consultants to prepare a Master Plan to
address the following issues:

1. An analysis of facilities, services, hours of accessibility,
staffing, and opportunities for alternative new funding sources.

2. An analysis of opportunities for cooperation with other levels
of government, including schools, in providing library services.

3. An analysis of new institutional arrangements for the
governance of library services, including options for
partnerships with other cities and/or the formation of a
special district.

and

WHEREAS, the City Manager and County Administrative Officer shall
participate in the selection of a consultant and in negotiation of fees and
final approval shall be by the City Council of the City of Modesto and the
Stanislaus County Board of Supervisors, and

WHEREAS, the County will act as the lead agency in the RFP process
and will work with City staff from the City Manager's Office in all phases of
the project, and
WHEREAS, the Board of Supervisors has approved a similar request by the County Librarian calling for bids on October 8, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to call for proposals for preparation of a Library Services and Financial Master Plan in conjunction with Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING APPROPRIATION TRANSFER of $31,725 from contigency reserve to prepare library services and financial master plan in conjunction with Stanislaus county

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve (010 800 8000 8003) $31,725

TO: Stanislaus County Library (010 502 6502 0460) $31,725

The City of Modesto's 1991-92 contribution to the Stanislaus County Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HARR, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-649

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE KANSAS AVENUE RIGHT-OF-WAY AT CARPENTER ROAD IN BLOCK 5370 IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Delmar-Fultz Engineering and Surveying, representing Soranno's Incorporated, to abandon a portion of the Kansas Avenue Right-of-Way at Carpenter Road in Block 5370 of the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess street right-of-way, and

WHEREAS, said portion of the Kansas Avenue Right-of-Way at Carpenter Road is located in Block 5370 in the City of Modesto, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, letters have been received from the Modesto Irrigation District, Pacific Bell, Pacific Gas and Electric and Post Newsweek Cable stating that they have no facilities in the area to be abandoned and that they have no objection to the abandonment, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8330, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Kansas Avenue at Carpenter Road in Block 5370 in the City of Modesto is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of Kansas Avenue Right-of-Way at Carpenter Road located in Block 5370 in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, Engineering
VACATE AND ABANDON A PORTION OF KANSAS AVENUE AT
CARPENTER ROAD AT BLOCK 5370

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Parcel B, as per map filed February 7, 1968 in Book 4 of Parcel Maps, Page 138, Stanislaus County Records; thence along the Southern line of said Parcel B, North 89° 45' West, 139.00 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of 28° 30' 19" and an Arc Length of 7.46 feet, to a point on a non-tangent curve from which point a radial line bears North 28° 45' 19" East; thence from a radial bearing of North 59° 38' 05" East, Southeasterly along said non-tangent curve concave to the Northeast, having a Radius of 20.00 feet, a Central Angle of 59° 23' 05" and an Arc Length of 20.73 feet, to its point of tangency on a line which is parallel with and 42.00 feet, measured at right angles, Northerly from the centerline of Kansas Avenue; thence along said last mentioned parallel line, South 89° 45' East, 129.08 feet, to its intersection with the Southerly extension of the Eastern line of Parcel B; thence along said Southerly extension, North 00° 44' 45" West, 8.00 feet, to the point of beginning.

EXHIBIT "A"
PARCEL A
4-PM-138

PARCEL B
4-PM-138

DETAIL

See Detail

Vacate and Abandon
A por. of Kansas Ave.
At Carpenter Road
At Block 5370
LD 91-A

City of Modesto
Engineering Department
Activity No.

File No. 4-A-742
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SR
CONSULTANTS INC. TO PREPARE A FEDERALLY-REQUIRED PARATRANSIT (DIAL-A-RIDE)
PLAN AND TO PROVIDE RECOMMENDATIONS REGARDING CITY POLICIES UNDER WHICH THE
DIAL-A-RIDE SYSTEM OPERATES.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and SR Consultants, Inc. to prepare a federally-required paratransit plan (Dial-A-Ride) and to provide recommendations regarding City policies under which the Dial-A-Ride system operates be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-651

A RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN FOR THE FISCAL YEAR 1992-93 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Citizen Participation Plan for the fiscal year 1992-93 Community Development Block Grant (CDBG) application, a copy of which is attached hereto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Citizen Participation Plan by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: 
JUDY C. HALL, Acting City Clerk
CITY OF MODESTO  
CITIZEN PARTICIPATION PLAN  
1992-93 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC)

<table>
<thead>
<tr>
<th>TIME</th>
<th>DATE</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:00 p.m.</td>
<td>Tuesday, October 22, 1991</td>
<td>City Council Meeting to Approve Citizen Participation Plan and CDBG Application Process: City Hall, 801 11th St., Modesto</td>
</tr>
<tr>
<td>12:00 noon</td>
<td>Friday, November 1, 1991</td>
<td>CH&amp;CDC Meeting at King-Kennedy Center: 601 N. Martin L. King Drive, Modesto</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>Tuesday, November 12, 1991</td>
<td>City Council Meeting to Approve CDBG Funding Policy: City Hall</td>
</tr>
<tr>
<td>7:00 p.m.</td>
<td>Thursday, November 14, 1991</td>
<td>Public Meeting to Issue Requests for Funding at Modesto Centre Plaza: 1000 L St., Modesto,</td>
</tr>
<tr>
<td>7:00 p.m.</td>
<td>Thursday, November 21, 1991</td>
<td>Workshop to Assist in Submitting Requests for CDBG Funds: H.P.O., 401 H Street, Modesto</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>Friday, January 17, 1992</td>
<td>Requests for Funding due: H.P.O. 401 H Street, Modesto</td>
</tr>
<tr>
<td>7:00 p.m.</td>
<td>Wednesday, March 4, 1991</td>
<td>CH&amp;CDC Evening Meeting to Hear Requests for Funding: Modesto Centre Plaza, 1000 L St, Modesto</td>
</tr>
<tr>
<td>7:30 p.m.</td>
<td>Tuesday, March 17, 1992</td>
<td>CH&amp;CDC Report to Mayor and Council: City Hall</td>
</tr>
<tr>
<td>12:00 noon</td>
<td>Friday, April 17, 1992</td>
<td>CH&amp;CDC Meeting to Approve Final FY 92-93 CDBG Recommendations: King-Kennedy Center, 601 N. Martin L. King Dr, Modesto</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>Tuesday, May 12, 1992</td>
<td>City Council Public Hearing to Consider CH&amp;CDC Recommendations and Public Input, and Approve CDBG Application: City Hall</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>Friday, May 29, 1992</td>
<td>CDBG Application due at HUD in San Francisco</td>
</tr>
</tbody>
</table>

FOR MORE INFORMATION CALL:  
HOUSING PROGRAM OFFICE (H.P.O.)  
401 H STREET, MODESTO, CA., 95351  
(209) 577 - 5245 TDD (209) 526 - 9211
MODESTO CITY COUNCIL
RESOLUTION NO. 91-652


BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Larry R. Robinson, Jr., Trustee, and Helen E. Wille for the purchase of the property at the southwest corner of 11th and G Streets for Police facility expansion be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-653

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE PURCHASE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 11TH AND G STREETS (PERFORMANCE TIRE) FOR THE POLICE DEPARTMENT EXPANSION PROJECT.

WHEREAS, the City Council certifies that at its meeting of October 22, 1991, it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact relating to the purchase of property located at the southwest corner of 11th and G Streets (Performance Tire) for the Police Department expansion project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the purchase of property at the southwest corner of 11th and G Streets (Performance Tire) for the Police Department expansion project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY HALL, Acting City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-654

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODesto FOR THE FISCAL YEAR 1991-92 TO PROVIDE FUNDING FOR AN ADDITIONAL POLICE DETECTIVE POSITION FOR VEHICLE THEFT CRIMES.

WHEREAS, the Stanislaus County Board of Supervisors has adopted a resolution imposing a $1.00 fee per registered vehicle to be used exclusively to deter, investigate, and prosecute vehicle theft crimes in the County of Stanislaus, and

WHEREAS, the County of Stanislaus has established a Vehicle Theft Program with the use of these funds, and

WHEREAS, this program will allow the Modesto Police Department to add a Police Detective to the vehicle theft unit to be fully reimbursed by the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Fiscal Year 1991-92 budget to appropriate revenue and expenditures.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-190-0000-3312</td>
<td>County Vehicle Theft Alloc</td>
</tr>
<tr>
<td>010-190-1941-0110</td>
<td>Salary &amp; Wages</td>
</tr>
<tr>
<td>010-190-1941-0188</td>
<td>Benefits</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-655

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING TO PERFORM SURVEY/TOPOGRAPHY WORK ON BRIGGSMORE AVENUE FROM STATE ROUTE 99 TO TULLY ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Mid-Valley Engineering to perform survey/topography work on Briggsmore Avenue from State Route 99 to Tully Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-656

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUGHES, HEISS & ASSOCIATES TO CONDUCT A MANAGEMENT AUDIT OF THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Hughes, Heiss & Associates to conduct a management audit of the Public Works and Transportation Department be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-657


WHEREAS, at its meeting of October 22, 1991, the Council of the City of Modesto considered the submittal of a Modesto City-County Airport preapplication for federal assistance in the amount of $351,000 to complete the airport's FY1991-92 capital improvements, and

WHEREAS, the City Council certifies that at its meeting of October 22, 1991, it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact relating to the Modesto City-County Airport FY 1991-92 capital improvement projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submittal of a Modesto City-County Airport preapplication for federal assistance in the amount of $351,000 to complete the airport's FY 1991-92 capital improvements is hereby approved.

BE IT FURTHER RESOLVED that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the Modesto City-County Airport FY 1991-92 capital improvement projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the __22nd__ day of ____October____, 1991, by Councilmember ____Martin____, who moved its adoption, which motion being duly seconded by Councilmember ____Bird____, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dobbs

(Seal)

APPROVED AS TO FORM:

By __STAN T. YAMAMOTO__, City Attorney

ATTEST: __JUDY C. HALL__, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-658

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE PUBLIC UTILITY EASEMENTS IN BLOCKS 9051 AND 9052 IN THE RIVER TERRACE SUBDIVISION IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Kaufman and Broad Central Valley, Inc. to abandon a portion of a public utility easement in Block 9051 and a portion of a public utility easement in Block 9052 of the River Terrace Subdivision in the City of Modesto, as the roofs of the houses designed for said subdivision encroach into the easements, and

WHEREAS, as a result of negotiations between Kaufman and Broad Central Valley, Inc., and the City of Modesto, Department of Public Works and Transportation, an agreement has been reached whereby Kaufman and Broad have agreed to dedicate an additional one-foot public utility easement on the adjacent lot in return for the City abandoning a one-foot easement to clear the roof encroachment, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess easements, and

WHEREAS, said easements referred to above on the real property located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto are more particularly described in Exhibits "A" and "B" respectively, attached hereto, and

WHEREAS, letters have been received from Pacific Bell, Pacific Gas and Electric, Post Newsweek Cable, and the Turlock Irrigation District stating that they have no facilities in the area to be abandoned and that they have no objection to the abandonment, and
WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the properties described in Exhibits "A" and "B", attached hereto, which are located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto, have been superseded by relocation and there are no other public facilities located within the easements.

3. That from and after the date this resolution is recorded, the portion of public utility easements vacated will no longer constitute public utility easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portions of the public utility easements located in the River Terrace Subdivision in Blocks 9051 and 9052 in the City of Modesto, which are more particularly described in Exhibits "A" and "B", respectively, which are attached hereto and incorporated herein by reference, be and they are hereby vacated and abandoned, such vacation and abandonments to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, Engineering

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk

(SEAL)
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the North half of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 29 in Block 9051 of the RIVER TERRACE Subdivision, as per map filed November 9, 1990 in Book 35 of Maps, Page 38, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 29; thence along the Southeastern line of Lot 29, said line being the Northwesterly line of Hatch Road, North 71° 14' 42" East, 9.00 feet, to a point on a line which is parallel with and 9.00 feet, measured at right angles, Northeasterly from the Southwestern line of Lot 29; thence along said parallel line, North 18° 45' 18" West, 10.00 feet, to a point on a Northwesterly line of a 10.00 foot public utility easement in said Block 9051 and the true point of beginning of this description; thence continuing along said parallel line, North 18° 45' 18" West, 65.00 feet, to a point on a non-tangent curve concave to the Northwest, from which point a radial line bears North 18° 15' 47" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 1° 08' 45" and an Arc Length of 1.00 foot, said non-tangent curve being the Southeasterly line of a 10.00 foot public utility easement in Block 9051, to its intersection with a line which is parallel with and 10.00 feet, measured at right angles, Northeasterly from said Southwestern line of Lot 29, from which point a radial line bears North 19° 24' 32" West; thence along said last mentioned parallel line, South 18° 45' 18" East, 65.00 feet, to a point on said Northwesterly line of a 10.00 foot public utility easement in Block 9051; thence along the Northwesterly line of the 10.00 foot public utility easement in Block 9051, South 71° 14' 42" West, 1.00 foot, to the point of beginning.

EXHIBIT "A"
Vacate and Abandon a Portion of the Public Utility Easements in Blocks 9051 & 9052

LD 91-G

CITY of MODESTO
ENGINEERING DEPARTMENT
ACTIVITY NO.

Approved by:
For: Director

Date: 10/4/91
R.E.

Assuilt by:
Date:

Assuilt Plotted:
Date:

Revised:
Date:

Date: 06/7/91
John Christiansen

CHECKED:
F.D. SK.
PB.

FILE NO. 4-A-746
LD 91-G
PARCEL 9052-2

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the South half of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 51 in Block 9052 of the RIVER TERRACE Subdivision, as per map filed November 9, 1990 in Book 35 of Maps, Page 38, Stanislaus County Records, described as follows:

Commencing at the Northwestern corner of said Lot 51; thence along the Northwestern line of Lot 51, said line being the Southeasterly line of Crater Avenue, North 48° 45' 04" East, 7.00 feet, to a point on a line which is parallel with and 7.00 feet, measured at right angles, Northeasterly from the Southwestern line of Lot 51; thence along said parallel line, South 41° 14' 56" East, 10.00 feet, to a point on the Southeasterly line of a 10.00 foot public utility easement in said Block 9052, and the true point of beginning of this description; thence continuing along said parallel line, South 41° 14' 56" East, 85.00 feet, to a point on the Southeastern line of Lot 51; thence along said Southeastern line of Lot 51, North 48° 45' 04" East, 1.00 foot, to a point on a line which is parallel with and 8.00 feet, measured at right angles, Northeasterly from said Southwestern line of Lot 51; thence along said last mentioned parallel line, North 41° 14' 56" West, 85.00 feet, to a point on said Southeasterly line of a 10.00 foot public utility easement in Block 9052; thence along the Southeasterly line of a 10.00 foot public utility easement in Block 9052, South 48° 45' 04" West, 1.00 foot, to the point of beginning.

EXHIBIT "B"
MODESTO CITY COUNCIL
RESOLUTION NO. 91-659

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FABRICATING AND INSTALLING TWO CATWALKS FOR THE SLUDGE THICKENERS AT THE WATER QUALITY CONTROL FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for fabricating and installing two catwalks for the sludge thickeners at the Water Quality Control facility copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 25, 1991, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-660

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING INDUSTRIAL LAUNDRY AND UNIFORM SERVICE FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing industrial laundry and uniform service for up to three years copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 2, 1991, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember ______ Bird ______, who moved its adoption, which motion being duly seconded by Councilmember ______ Dobbs ______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-661

A RESOLUTION ACCEPTING THE BID OF UNR-ROHN, Inc. FOR THE PURCHASE AND INSTALLATION OF MICROWAVE TOWERS

WHEREAS, Resolution No. 91-569, adopted by the Council of the City of Modesto on September 3, 1991, approved the plans and specifications for furnishing and installing a microwave tower at Fire House No. 9 and authorized the calling for bids; and

WHEREAS, the bids received for furnishing and installing of a microwave tower at Fire House No. 9 were opened at 11:00 a.m. on October 1, 1991, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of UNR-ROHN, Inc. in the amount of $32,356 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of UNR-ROHN, Inc. in the amount of $32,356 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-662

A RESOLUTION ACCEPTING THE BID OF AEROLOG INDUSTRIES AND CMI/NPH OPERATIONS OF MPD, INC. FOR FURNISHING A COMPLETE FIELD SURVEILLANCE NIGHT VISION EQUIPMENT PACKAGE

WHEREAS, Resolution No. 91-580, adopted by the Council of the City of Modesto on September 10, 1991, approved the plans and specifications for the purchase of a complete field surveillance night vision equipment package and authorized the calling for bids; and

WHEREAS, the bids received for furnishing a complete field surveillance night vision equipment package were opened at 11:00 a.m. on October 8, 1991, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Aerolog Industries and CMI/MPH Operations of MPD, Inc. in the amount of $46,686.99 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Aerolog Industries and CMI/MPH Operations of MPD, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEND: [Signature]
DEPUTY CITY CLERK, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-663

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE
CITY OF MODESTO TO TRANSFER FORTY-SIX THOUSAND SIX HUNDRED
EIGHTY-EIGHT ($46,688) DOLLARS FROM THE POLICE ASSET
FORFEITURE TRUST ACCOUNT.

WHEREAS, the sum of Forty-six Thousand Six Hundred Eighty-eight
($46,688) Dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the General
Fund Police Department and appropriate it for the acquisition of a Field
Surveillance System and mobile recording cameras,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 1991-92 Annual Budget be amended as follows:

<table>
<thead>
<tr>
<th>General Fund (Fund 010)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>010-190-0000-7202</td>
</tr>
<tr>
<td>Expenditure</td>
</tr>
<tr>
<td>010-190-1901-5030</td>
</tr>
<tr>
<td>010-190-1901-5031</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF RAGSDALE AND SON, INC. FOR CONSTRUCTION OF THE SONOMA PARK GAME COURTS

WHEREAS, Resolution No. 91-610, adopted by the Council of the City of Modesto on September 24, 1991, approved the plans and specifications for the construction of the Sonoma Park game courts and authorized the calling for bids; and

WHEREAS, the bids received for the construction of the Sonoma Park game courts were opened at 11:00 a.m. on October 17, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Ragsdale and Son, Inc. in the amount of $32,996.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ragsdale and Son, Inc. in the amount of $32,996.50 be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: July Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-665

A RESOLUTION APPROVING SUBMISSION OF THE STATE TRANSIT ASSISTANCE (STA) FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, money is available from the State Transit Assistance (STA) Fund for use by the City of Modesto in carrying out transit purpose activities, and

WHEREAS, these funds are allocated by the Stanislaus Area Association of Governments (SAAG) in accordance with established priorities, and

WHEREAS, the City of Modesto's claim has been prepared in accordance with established priorities and provides for the use of $246,476 from the STA Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said STA claim on behalf of the City of Modesto, and that submission of the City of Modesto's STA Fund Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $246,476 for the fiscal year 1991-92 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember ____, who moved its adoption, which motion being duly seconded by Councilmember ____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By /s/ STAN T. YAMAMOTO, City Attorney
WHEREAS, the Council approved the City of Modesto Drought Contingency Plan on May 14, 1991, which plan provides for the staged responses to conditions of projected shortfall in the City water supply system, and

WHEREAS, the Drought Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists that a Stage One Drought Condition can and shall be declared, and

WHEREAS, the City finds that groundwater levels are dropping due to the increased use associated with a warm, dry season, and due to lower than average precipitation and runoff, and

WHEREAS, Section 11-1.14, of the Modesto Municipal Code authorizes this Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there does now exist within the City of Modesto a Stage One Drought Condition.

BE IT FURTHER RESOLVED that the Public Works and Transportation Department shall implement the strategies and enforcement procedures applicable during a Stage One Drought Condition as provided in the City's Drought Contingency Plan.

BE IT FURTHER RESOLVED THAT in accordance with the Drought Contingency Plan, the following rules and regulations are established for use
during a Stage One Drought Condition. Violations of these regulations will be considered water waste.

1. City residents shall not water lawns or gardens or allow others to water on their behalf so that excess water leaves property being watered.

2. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by the Public Works and Transportation Director or his designee and the washing is done with the use of a quick-acting positive shut-off nozzle on the hose.

3. City residents shall not have leaky faucets or plumbing fixtures or premises for a reasonable period of time after which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such a condition or to make arrangements for the correction.

4. Eating establishments are encouraged to serve water only at the customer's request.

5. New landscaping installations must comply with all landscape ordinances.

6. Outdoor water use may occur only when permitted by the following schedule:

a. There shall be no outdoor water use between the hours of 12:00 p.m. and 7:00 p.m. on any day. However, whenever Standard Time is in effect, said time restriction shall not be in force, and outdoor water use shall be limited only as hereinafter provided. In addition, outdoor water use will not be permitted at any hour on Mondays.

b. Dwellings or establishments with odd-numbered street addresses shall water on Wednesdays, Fridays, and Sundays subject to the time restrictions set forth above.
c. Dwellings or establishments with even-numbered street addresses shall water on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.

7. Exceptions to the regulations set forth herein may be given by the Public Works and Transportation Director or his designee upon a showing of good cause and necessity.

8. The following penalties may be added to the utility service customer's account upon violation of the above regulations:
   a. A penalty in the sum of $50 upon the second violation within one year after having received a Notice of Violation.
   b. A penalty of $200 upon the third violation within said one year period.
   c. A penalty of $250 for each additional violation within a one year period.

The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

BE IT FURTHER RESOLVED that Resolution No. 91-291 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember ______ Bird_____, who moved its adoption, which motion being duly seconded by Councilmember ______ Dobbs_____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

-3-
MODESTO CITY COUNCIL
RESOLUTION NO. 91-667

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE
5-FOOT PUBLIC UTILITY EASEMENT IN BLOCK 1222 IN THE CITY
OF MODESTO.

WHEREAS, the City of Modesto has received a request from Donald
Harmon, owner of the property at 1538 Ford Avenue, to abandon a portion of the
5-foot wide public utility easement along the south portion of his lot, and

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, there is an easement on the real property located in Block
1222 in the City of Modesto, described in Exhibit "A" attached hereto, which
is a portion of the 5-foot public utility easement in Block 1222 in the City
of Modesto, and

WHEREAS, letters have been received from Modesto Irrigation
District, Pacific Bell, Pacific Gas and Electric Company and Post Newsweek
Cable stating that they have no facilities in the area to be abandoned and
that they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of
Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached
hereto, which is a portion of the 5-foot public utility easement in Block 1222
in the City of Modesto, is no longer necessary. This portion of the easement
has not been used for the purpose for which it was dedicated or acquired for
five consecutive years immediately preceding the vacation.
3. That from and after the date this resolution is recorded, the portion of the 5-foot public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the 5-foot public utility easement located in Block 1222 in the City of Modesto which is described in Exhibit "A", which is attached hereto and incorporated by reference herein, be and it is hereby vacated and abandoned, such vacation and abandonment to be effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works and Transportation Department - Engineering Division

103091 -2- 11148CA2
Parcel 1222-3
LD 91-D

VACATE AND ABANDON A PORTION OF THE 5-FOOT
PUBLIC UTILITY EASEMENT IN BLOCK 1222

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Lot 14 in Block 1222 of the MEADOW GLENN Subdivision, as per map filed April 21, 1964 in Volume 20 of Maps, Page 69, Stanislaus County Records; thence along the Southern line of said Lot 14, North 89' 38' West, 106.10 feet, to the Southwestern corner of Lot 14 and a point on the Eastern line of Ford Avenue; thence along the Western line of Lot 14 and said Eastern line of Ford Avenue, North 0' 41' 15" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northerly from said Southern line of Lot 14; thence along said parallel line, South 89' 38' East, 106.19 feet, to a point on the Eastern line of Lot 14; thence along said Eastern line of Lot 14, South 0' 22' West, 5.00 feet, to the point of beginning.

EXHIBIT "A"
RECOMMENDED BY: 

CITY OF MODESTO 
PUBLIC WORKS-TRANSPORTATION 

R. MARSHALL ELIZER, JR. Director 

JERRY H. BUTLER, Deputy 

DATE DRAWN CHECKED 

Oct. 1991 

Vacate and Abandon a Portion of the 5-foot Public Utility Easement in Block 1222-LD91-D 

FILE NUMBER W. O. NO. 

4-A-748
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR FUNDING OPERATION OF THE CONVENTION AND VISITOR'S BUREAU

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce for funding operation of the Convention and Visitor's Bureau be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
AMENDED MODESTO CITY COUNCIL
RESOLUTION NO. 91-669

RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN & CALDWELL CONSULTANTS FOR PREPARATION OF VILLAGE ONE FACILITIES MASTER PLAN FOR STORM DRAINAGE SYSTEM

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Brown & Caldwell Consultants for preparation of Village One Facilities Master Plan for a storm drainage system be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature] JULY VI HALL, Acting City Clerk.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-670

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER TWENTY-FIVE THOUSAND FOUR HUNDRED FIFTY DOLLARS ($25,450) FROM THE SEWER FUND (FUND NO. 621) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 130) FOR AMENDMENT NO. 1 OF THE FACILITIES MASTER PLAN PORTION OF THE VILLAGE ONE IMPLEMENTATION PROGRAM.

WHEREAS, the City Council has authorized $447,669 to be appropriated for preparation of the Village One Facilities Master Plan, and

WHEREAS, it has been determined that an additional $25,450 will modify the agreement with Brown & Caldwell to include alternatives for storm drainage management that adhere to the Village One Specific Plan and EIR recommendation of complete retention of drainage, and

WHEREAS, the sum of Twenty-five Thousand Four Hundred Fifty Dollars ($25,450) is available in the Unappropriated Fund Balance of the Sewer Fund (Fund No. 621), and

WHEREAS, said sum will not be required for operating costs of the City during the 1991-92 fiscal year, and

WHEREAS, the Council desires to transfer said sum to the Special Fund for Capital Outlays (Fund No. 130) for preparation of Village One Facilities Master Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget be amended to transfer Twenty-five Thousand Four Hundred Fifty Dollars ($25,450) as follows:

Sewer Fund (Fund 621)

<table>
<thead>
<tr>
<th>Type of Transfer</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contingency Reserve</td>
<td>($25,450)</td>
</tr>
<tr>
<td>Transfer Out To Fund 130</td>
<td>$25,450</td>
</tr>
</tbody>
</table>
Special Fund for Capital Outlay (Fund 130)

130-140-P590-6000 Village One Implementation $25,450
130-700-7000-9621 Transfer In From Fund 621 $25,450

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Martin

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION GRANTING APPROVAL TO THE AMERICAN LEGION POST NO. 74 TO CONDUCT A VETERANS' DAY PARADE IN THE CITY OF MODESTO ON MONDAY, NOVEMBER 11, 1991, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the American Legion Post No. 74 (hereinafter referred to as "the Legion") has filed an Application for Direct City Assistance to use portions of city streets and for the City to provide traffic control, relating to a Veterans' Day Parade to be held on Monday, November 11, 1991 for use of Downey Community Park in connection with the parade in honor of Veterans' Day, and

WHEREAS, the Council, by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the City Council deems it appropriate to grant approval to the Legion relating to said Veterans' Day Parade and to grant the Legion's request for traffic control and for the use of Downey Community Park for assembly purposes in connection with the parade, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the Application for Direct City Assistance filed by American Legion Post No. 74 relating to a Veterans' Day Parade to be held on Monday, November 11, 1991, subject to the following conditions:

1. The parade assembly will take place on November 11, 1991, at the Downey Community Park parking area from approximately 8:30 a.m. to 9:00 a.m. and the parade will commence at approximately 9:00 a.m. and terminate at approximately 11:00 a.m.

2. The parade route, subject to the approval of the Chief of Police, will include Brighton Avenue from Downey Community Park west to Coffee Road, Coffee Road from Brighton Avenue south to Scenic Drive, and Scenic Drive from Coffee Road west to Saint
Stanislaus Catholic Cemetery, a total distance of approximately 1.6 miles.

3. The City of Modesto will provide three (3) Officers and vehicles to maintain traffic control along the parade route.

4. The Parks and Recreation Department will reserve the Downey Community Park parking area for parade assembly on November 11, 1991 from approximately 8:00 a.m. to 10:00 a.m.

5. The Legion shall be responsible for the removal of all trash and debris from the streets used for the aforementioned Veterans' Day parade which accumulates as a result of the parade.

6. The Legion shall indemnify and hold harmless the City of Modesto, its officers, agents and employees from and against any and all costs, damages, injuries, liability or loss to persons or property which may arise out of or in any way be connected with the Veterans' Day parade, and use of Downey Community Park and all streets, within the City for the aforementioned Veterans' Day parade.

7. The Legion agrees to provide by November 8, 1991, and keep in force on November 10 and 11, 1991, a policy acceptable to the Risk Manager of the City of Modesto of public liability insurance covering any and all claims for injuries to persons or property arising out of the aforementioned Veterans' Day parade, with combined single limits of Five Hundred Thousand ($500,000.00) Dollars per occurrence for bodily injury, sickness and disease, including death resulting therefrom, and Five Hundred Thousand ($500,000.00) Dollars for claims for property damage.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the Legion, under the terms of this resolution. Certificate(s) evidencing the insurance shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Legion with a copy of this resolution. The Legion shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

(Seal)

ATTEST: JUDY C. HALL, Acting City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING FINDINGS IN RESPONSE TO WRITTEN OBJECTIONS ON ADOPTION OF THE AMENDED REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT

WHEREAS, in accordance with the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Redevelopment Agency of the City of Modesto (the "Agency") prepared and submitted to the City Council of the City of Modesto (the "City Council") a proposed Amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the City Council and the Agency held a joint public hearing on October 22, 1991, on adoption of the Amended Plan and on certification of the Final Environmental Impact Report (the "EIR") on the Amended Plan; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has received and considered all written comments received and all evidence and testimony presented for or against any and all aspects of the Amended Plan; and

WHEREAS, Section 33363 of the Health and Safety Code provides that before adopting the redevelopment plan, the legislative body shall make written findings in response to each written objection of an affected property owner or taxing entity and shall respond in writing to the written objections received before or at the noticed public hearing;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council has considered all evidence and testimony on the adoption of the Amended Plan and has responded in writing to the written objections received before or at the noticed public hearing.

Section 2. The City Council hereby adopts the written findings in response to each written objection of affected property owners and taxing entities attached hereto as Exhibit A and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: JUDY C. HALL, City Clerk

(SEAL)

APPROVED AS TO FORM:

By IRIS YANG, Special Counsel for City of Modesto
EXHIBIT A

Letter from Marsh dated October 22, 1991

Mr. Marsh objects to the proposed Amended Plan because he states: (a) the power of eminent domain for existing residential properties is not in conformance with the General Plan because it will remove residential dwelling units and that redevelopment has resulted more in the removal of housing and residents than renewal of housing; and (b) redevelopment has an adverse effect on the state financially.

Responses/Findings

The City Council hereby finds that: (a) the Amended Plan is in conformance with the General Plan; (b) the power of eminent domain as set forth in the Amended Plan is necessary for the purposes of redevelopment; (c) the Amended Plan will not result in the removal of more houses and residents than the renewal of housing resources; (d) there is no evidence to support Mr. Marsh's statement that redevelopment has an adverse effect on the state financially.

The above findings are based on the following facts:

1. The Planning Commission, by Resolution No. 91-43 adopted on July 15, 1991, submitted its report and recommendation on the Amended Plan, including the finding that the Amended Plan is consistent with the General Plan.

2. In drawing the proposed boundaries of the area added to the Project Area by the Amended Plan, the Agency attempted to avoid as much residential development as possible by including land that, with few exceptions, is commercially or industrially zoned. As a result, only minimal displacement of residents is expected.
3. Section 330 of the Amended Plan provides that any low- or moderate-income housing unit removed by the Agency from the Project Area shall be replaced within four years of its removal.

4. Sections 329-331 of the Amended Plan provides that 20% of the tax increments received by the Agency be set aside in a low- and moderate-income housing fund pursuant to the requirements contained in the Community Redevelopment Law.

5. The Agency believes that housing is an integral part of the redevelopment area and anticipates working with property owners and residents to improve the quality of residential areas.

6. The power of eminent domain as set forth in the Amended Plan may be necessary in order to ensure that the project will be carried out and to prevent the recurrence of blight.

7. Redevelopment is carried out based on laws passed by the state, and the history of redevelopment indicates that for every dollar of public investment in a redevelopment area, over six dollars of new private investment are stimulated, thereby resulting in a net impact over time of revenues to all levels of government increasing.

Letters from CRLA.

CRLA objected to the proposed Amended Plan for the following reasons:

(a) A Project Area Committee was not formed in the Added Area;

(b) There is inadequate evidence of blight in the Added Area;

(c) There is no record showing that the County has approved the Amended Plan;
(d) The Report to Council is inadequate because it does not show how the housing set-aside will be used and does not adequately discuss the neighborhood impact;

(e) The EIR is inadequate because it does not discuss the impacts caused by private sector activity and the cumulative effects of redevelopment activity in the Added Area and does not contain an analysis of solid waste generation or disposal in the Added Area;

(f) The Agency does not have an adequate method or plan for relocation of families or persons displaced by redevelopment activities;

(g) The Agency failed to provide adequate notice of the plan to project area residents by providing the public hearing notice only in English.

Responses/Findings

The Council hereby finds that: (a) under the Community Redevelopment Law a project area committee is not required to be formed for the Added Area; (b) that there is adequate evidence of blight within the Added Area; (c) that the County has approved the Amended Plan; (d) that the Report to Council is adequate; (e) the Final EIR is adequate; (f) that the Agency does have an adequate method or plan for relocation of families of persons that may be displaced by redevelopment activities; and the Agency and Council did provide adequate notice of the public hearing on the Amended Plan.

This above findings are based on the following facts:

1. State law provides that if a substantial number of low- and moderate-income families are to be displaced by a redevelopment project, a project area committee must be formed. The Agency does
not anticipate any widespread removal of housing from the project area and thus does not anticipate that a substantial number of low- and moderate-income families will be displaced. Therefore, in March of 1991 the City Council determined that a project area committee need not be formed.

2. Adequate evidence of blight is contained in Section IV of the Report to Council.

3. The County of Stanislaus introduced an ordinance approving the Amended Plan on October 29, 1991.

4. Section 33352 of the Community Redevelopment Law does not require that the Report to Council contain a description of how the housing set-aside monies will be used.

5. The Agency's Neighborhood Impact Report is contained in Section XV of the Report to Council. As noted in the report, the Amended Plan will result in minimal displacement or removal of housing, therefore, the Amended Plan is expected to have little impact on the housing units themselves.

6. The EIR is a program environmental impact report and any analysis of specific private sector projects that are unknown at this time would be impossible to analyze at this point due to the lack of specificity. As private projects occur within the project area, they will be subject to the Agency's and City's environmental review procedures.

7. The EIR contains a discussion of cumulative impacts in sections 3 and 9 of the Draft EIR.

8. The EIR does not contain a discussion on solid waste generation or disposal, however, this comment was not submitted from any
public agencies and was not raised during the official public comment period of the Draft EIR. Therefore, although this comment deserves consideration, it is not required to be addressed in the Final EIR. An analysis of the solid waste generation and disposal in response to the written objection to the Amended Plan is attached hereto as an Addendum to Exhibit A. Based on the analysis the Council agrees that the mitigation measures suggested in the attached analysis shall be incorporated into the Project.


10. It was brought to the Agency's attention in public forums last July that there might be a need for notices in Spanish and perhaps other languages. Therefore, the Agency did prepare a hearing notice in Spanish and several weeks prior to the hearing so notified CRLA, asking CRLA to let the Agency know if they knew of anyone who needed the Spanish language notice. The Agency also asked the Hispanic Chamber of Commerce for information on anyone within the project area who needed notice or information in Spanish. The Agency was also prepared to provide notices in other languages if the need became apparent.
ADDENDUM TO
EXHIBIT A

Solid Waste Generation & Disposal

The project area contains a number of businesses and residences which generate solid wastes. Solid waste removal within the City of Modesto is provided under contract by two private waste haulers, Modesto Disposal and Gilton Solid Waste Management. Commercial and residential solid wastes are transported to the county-operated Fink Road Landfill. The projected waste volumes and remaining capacities for the Fink Road Landfill are shown in Table 1A. This landfill is currently expected to reach capacity by the year 2009, and as the landfill approaches capacity, Stanislaus County officials expect either to expand the Fink Road Landfill or establish a new landfill (Williams, 1991).

According to AB 939, the city would be required to implement measures which would reduce or "divert" 25 percent of its solid waste disposal by 1995, and 50 percent by the year 2000. The City of Modesto Office of Solid Waste Management has already implemented a variety of programs designed to reduce the volume of solid wastes being generated and disposed of. Several private waste haulers and recyclers currently provide curbside residential services and some mixed commercial office paper recycling. Other private contractors are initiating programs for wood and construction material recycling. With both public and private programs, Modesto is currently exceeding its required 25 percent waste diversion level target (Bradford, 1991).

Due to its growth inducing nature, the proposed project is likely to accelerate the city's solid waste generation rate above existing levels, causing the Fink Road Landfill to reach capacity sooner than projected. However, due to the long time-frame of the project, to expected project phasing, and to the anticipated progressive per capita reduction of solid wastes being generated for disposal, this increased rate of acceleration is not expected to be significant.

The new construction and redevelopment that would be facilitated by the proposed project would generate significant amounts of solid waste. Many of these wastes would be recyclable. If not properly disposed of, these wastes would adversely impact the City's waste diversion program.

The proposed project would have the potential to facilitate the development of businesses which would be significant generators of recyclable wastes. Without proper building designs, these buildings may not facilitate future recycling storage and pick-up applications.
In order to address the above concerns, the council has incorporated the following mitigation measures into the Project.

- Redevelopment projects which are facilitated by the proposed project shall incorporate construction material recycling. Materials such as concrete, asphalt, steel, glass and wood shall be separated at the time of demolition and recycled whenever possible.

- Individual projects which are facilitated by the redevelopment project shall, whenever possible, use building materials which are manufactured from recycled materials.

- Individual projects which are facilitated by the proposed project shall incorporate building designs which allow for the easy storage and pick-up of recycled materials. Project designers shall consult with the City of Modesto Office of Solid Waste Management to ensure that building designs encourage recycling.

REFERENCES


Williams, Kevin, Senior Environmental Health Specialist, Stanislaus County Environmental Resources Department, telephone communication (1991).
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO MAKING FINDINGS AS TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE AMENDED REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT, APPROVING MITIGATION MONITORING PROGRAM AND DETERMINING CERTAIN PROJECTS TO BE EXEMPT

WHEREAS, the Redevelopment Agency of the City of Modesto ("Agency") is carrying out the Redevelopment Plan for the Modesto Redevelopment Project ("Original Project"); and

WHEREAS, the Agency has prepared and submitted to the City Council of the City of Modesto (the "City Council") a proposed amended Redevelopment Plan (the "Amended Plan") for the Modesto Redevelopment Project (the "Project") which would expand the redevelopment project area to upgrade or build new public improvements; and

WHEREAS, an environmental impact report (the "EIR") on the Amended Plan was prepared by the Agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq., hereinafter the "State CEQA Guidelines") and local procedures adopted by the City pursuant thereto; and

WHEREAS, a Notice of Completion of the Draft EIR was filed with the Office of Planning and Research on June 12, 1991, and a public notice of the availability of the Draft EIR was published in the Modesto Bee on June 19, 1991; and

WHEREAS, copies of the Draft EIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, the Draft EIR was thereafter revised and supplemented to adopt changes suggested, to incorporate comments received and the Agency's response to said comments, and as so revised and supplemented, a Final EIR was prepared and submitted to the City Council; and

WHEREAS, a joint public hearing was held by the Agency and the City Council on October 22, 1991, on the Amended Plan and the Final EIR relating
thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

WHEREAS, the Planning Commission of the City of Modesto (the "Planning Commission"), based on the request of the Agency and the City Council, has considered and recommended the addition of certain improvements to existing school facilities (the "School Projects" to the Amended Plan; and

WHEREAS, certain improvements to existing facilities may be categorically exempt under Section 15300 of the State CEQA Guidelines; and

WHEREAS, the proposed School Projects are improvements to existing facilities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES RESOLVE AS FOLLOWS:

Section 1. The City Council has evaluated all comments, written and oral, received from persons who have reviewed the Draft EIR.

Section 2. The City Council hereby makes the written findings set forth in Exhibit A, attached hereto and incorporated by reference herein, for each of the significant effects set forth in said Exhibit A, and further approves the statements of facts set forth in said Exhibit A. Based on such findings and statements of facts, the City Council hereby finds that significant environmental effects have been reduced to an acceptable level in that all significant environmental effects have been eliminated or substantially lessened. Based on the foregoing, the City Council finds and determines that the Amended Plan will not have a significant effect upon the environment.

Section 3. In the event it is determined that significant environmental effects are not mitigated or substantially lessened, the City Council finds that the benefits of the Amended Plan outweigh such effects and hereby adopts the following statement of overriding considerations. The City Council hereby finds that, based on the findings and statements of facts set forth in Exhibit A, and based on the Final EIR and/or other information contained in the record, its action to approve and carry out the Amended Plan is supported for the reasons that the Amended Plan will: eliminate blighting influences and correct environmental deficiencies in the Project Area, including, among others, small and irregular lots, obsolete and aged building types and inadequate or deteriorated public improvements; permit the
assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; replan, redesign and develop undeveloped areas which are stagnant or improperly utilized; strengthen retail and other commercial functions in the Project Area; provide opportunities for participation by owners and tenants in the revitalization of their properties; expand employment opportunities; establish and implement performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area; and expand and improve the supply of housing for low- and moderate-income persons.

Section 4. The City Council hereby approves and adopts as a Mitigation Monitoring Program those monitoring actions set forth in Exhibit A to monitor the changes or alterations that have been required in, or incorporated into, the Project in order to mitigate or substantially lessen those significant environmental effects identified in Exhibit A.

Section 5. The City Council hereby finds that the School Projects are categorically exempt under Sections 15301, 15302, 15311 and 15314 of the CEQA Guidelines. This finding is based on the fact that all proposed projects are school improvements for existing school facilities which are either: (a) minor additions to existing school facilities; (b) minor accessory structures to existing school facilities; (c) replacement or reconstruction of existing structures and facilities; or (d) repair or minor alterations to existing facilities.

Section 6. Upon approval and adoption of the Amended Plan by the City Council, the City Clerk is hereby directed to file a Notice of Determination on the Final EIR with the County Clerk of Stanislaus County and the Office of Planning and Research pursuant to the provisions of Section 15096(i) of the State CEQA Guidelines and a Notice of Exemption as to the School Projects with the County Clerk of Stanislaus County pursuant to Section 15062 of the State CEQA Guidelines.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Martin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird, Dobbs, Irizarry

ATTEST: Judy Hall, City Clerk

(SEAL)

APPROVED AS TO FORM:

By IRIS YANG, Special Counsel for City of Modesto
EXHIBIT A

DESCRIPTION OF SIGNIFICANT EFFECT:

A. Land Use and Planning:

1. Some displacement of existing buildings and houses will be necessary to construct some of the planned improvements, which may be compensable in accordance with state law.

   a. The City Council finds that as to such significant effect identified above:

      Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

   b. The facts supporting such finding are as follows:

      The Redevelopment Agency shall design and locate roadway, parking, and public service projects to minimize the need for acquiring private property. Compensation for such property will be provided as required by state law. The location of redevelopment projects shall also minimize potential adverse impacts to surrounding property values.

   c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

   d. Monitoring Actions:

      The City of Modesto’s Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

2. Plan implementation may result in the displacement of affordable housing.
a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The Redevelopment Agency shall develop and implement a relocation assistance program if redevelopment projects directly result in relocation of low to moderate income residents.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

3. Secondary development which occurs as a result of the redevelopment project shall remain within General Plan policies and land use regulations, in order to avoid significant impacts.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Land use regulations and General Plan policies shall be enforced to mitigate potential adverse impacts from secondary development caused by redevelopment.
Specific measures to mitigate land use impacts which may occur as a result of secondary development shall be determined on a case-by-case basis using the City of Modesto's environmental review process.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans.

4. Temporary impacts from construction of redevelopment projects may violate allowable land uses and zoning provisions.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Temporary impacts from construction such as excessive noise, increased dust, equipment parking, and excavation shall be minimized using noise and dust abatement procedures and conscientious construction practices.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto's Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to land use impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.
B. Visual/Aesthetics

1. Potential secondary visual impacts may occur due to the construction of future projects which are facilitated by the redevelopment infrastructure improvements. The potential to disrupt or block view corridors or view opportunities is possible, depending on proposed structure heights, bulks, and specific locations; however, at this time, the specific impacts are not known.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The applicants shall be required to design landscaping so as to complement project development and to minimize view of the sites from residences and major view corridors.

Owners of frontage properties shall be encouraged to maintain and repair their structures and landscaping in conjunction with public improvements to streets.

Development shall be consistent and designed to blend with the existing character of surrounding sites.

The undergrounding of utility lines shall be undertaken, where feasible, along public streets at the time of construction or reconstruction.

Streetside landscaping shall buffer residential, commercial, industrial, and recreational areas from one another.

Dwellings and other structures shall be concentrated into neighborhood units to help preserve large areas of open space.
Beard Brook Park and Graceada Park shall be recognized, and maintained and enhanced as primary assets of the redevelopment area.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to visual resources to ensure compliance as part of its review process prior to the approval of project plans.

2. Detailed site architectural and landscaping plans are not available for potential redevelopment projects such as the Amtrak Station, City Hall, Performing Art Theaters, Centre Plaza Expansion, and Senior Citizens Center, and hence it is difficult at this preliminary stage of planning to determine compliance with the General Plan’s design guidelines.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Further evaluation of the site design impacts shall be conducted by the City when the design plans for the Amtrak Station, Performing Arts Theaters, and other projects facilitated by the Redevelopment Plan become available, in order to determine compliance with the Modesto General Plan Guidelines. Future topographic conditions, grading operations, proposed landscaping, open space buffer zones, exterior building materials, and roof-mounted equipment, if any, shall be included in the review.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.
d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to visual resources to ensure compliance as part of its review process prior to its approval of project plans.

C. Traffic and Circulation

1. The projected improvements to streets, roadways, and intersections would facilitate continued development within the redevelopment area in accordance with General Plan designations/zoning and continued roadway improvements needed to maintain acceptable roadway operating characteristics and avoid adverse impacts.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The Agency/City shall continue to review and evaluate traffic-related impacts associated with specific projects within the redevelopment areas as they are proposed. Traffic-related impacts shall be mitigated in accordance with the city’s LOS policy.

The City shall assess traffic impact fees from future development to fund roadway improvements required, to mitigate impacts of future buildout of the City.

The Agency/City shall participate in a comprehensive plan for construction of roadway improvements required to accommodate future buildout of the City, which may include widening Kansas Avenue, upgrading Carpenter Avenue to expressway status, and constructing a new SR 132 expressway between the city’s urban limit and SR 99.
The Agency/City shall continue to monitor traffic volume and congestion levels in the downtown area, particularly on B, G, H, K, L, 7th, 9th, and 14th Street, and implement improvements as needed.

The Agency/City shall consider replacing the existing 7th Street bridge over the Tuolumne River and shall consider widening the 9th Street bridge to safely accommodate bicycle and pedestrian traffic.

The Agency/City shall continue to work with CALTRANS to improve access to SR99 including upgrading interchanges at Briggsmore Avenue and at Kansas Avenue.

The Agency shall encourage Developers to implement roadway improvement/traffic mitigation measures suggested as part of the environmental review of currently proposed projects, as those projects are constructed.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Traffic Engineering Division shall ensure the implementation of these mitigation measures as part of its review process prior to its approval of project plans.

2. The various street and infrastructure improvements will create temporary adverse impacts to the safety and convenience of motorists and pedestrians.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
b. The facts supporting such finding are as follows:

The Agency shall coordinate plans for construction within street rights-of-way with officials of the police and fire departments and ensure that adequate detour routes are established if temporarily suspended.

The Agency shall time construction activity in travel lanes to occur during off-peak hours. Peak hours may be different for collector street, arterials, and the downtown area.

Complete trenching across all streets in segments shall allow at least one travel lane to remain open at all times with the use of decking. Flagpersons shall be used wherever construction equipment is operating in existing roadways.

The Agency shall implement plans to control pedestrian and bicycle movements across the construction right-of-way.

Flagpersons shall be used whenever opposing traffic flows are required to use a single traffic lane.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Traffic Engineering Division shall ensure the implementation of these mitigation measures as part of its review process prior to its approval of project plans and as part of its site inspection process.

D. Air Quality

1. Earthmoving, hauling and other construction activities would result in localized and temporary increases in the levels of ten micros particulates (PM$_{10}$). Construction vehicles traveling over unpaved roadways will also result in temporary increases in levels of PM$_{10}$).
a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The following mitigation measures would minimize particulate emissions to acceptable levels in the event that construction emissions present a nuisance to surrounding residents:

(1) Areas of soil redistribution shall be watered down twice daily or as necessary to trap fugitive dust and particulates during construction until planting, grass growth, or building coverage reduce the need for such measures.

(2) If water is limited, soil binders such as soil cement shall be spread in conjunction with watering, or sheet coverings such as burlap shall be used on small areas. Areas covered with soil binders shall be turned over prior to revegetation.

(3) During periods of excessive wind speeds, construction shall be temporarily suspended.

(4) Disturbed areas shall be revegetated or paved, as soon as possible, to reduce dust during construction activities.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The Stanislaus County Air Pollution Control District shall make determinations of consistency with the 1989 Rules and Regulations on a project-by-project basis as development occurs within and outside of the redevelopment area as part of its review process prior to its approval of project plans.
E. **Noise**

1. Construction of the proposed project would temporarily increase noise levels generated in the redevelopment area.
   
a. The City Council finds that as to such significant effect identified above:
   
   Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

   All construction vehicles and equipment shall be properly muffled. California state noise standards for delivery motor vehicles shall be met.

   In residential areas, construction operations and related travel in the vicinity of the project site to and from the construction area shall be limited to between the hours of 7:30 a.m. and 6:00 p.m., Monday through Saturday.

   The Redevelopment Agency shall inform the public of proposed construction timelines to minimize potential annoyance related to construction noise.

   c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

   d. Monitoring Actions:

   The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

2. Secondary traffic noise impacts to existing sensitive land uses resulting from development facilitated by the redevelopment project.
a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

In areas with existing or projected noise levels above the standards of the General Plan, retrofitting existing structures and neighborhoods with noise dampening equipment is a possible solution to existing and projected noise impacts. Soundwalls could be placed in areas where structures are not oriented towards the noise source.

The City shall make available noise reduction information such as ceiling/roof and/or wall modifications to homeowners and commercial business owners who are considering reconstruction or remodeling to improve the noise attenuating capabilities of their structures.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

3. Secondary traffic noise impacts to future sensitive land uses resulting from development facilitated by the redevelopment project.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
b. The facts supporting such finding are as follows:

Structures in impacted locations shall be evaluated for their conformance to City noise standards.

For proposed projects which will generate a substantial number of motor vehicle trips in the area, acoustical analyses may be conducted as part of the city's environmental review process.

Soundwalls and noise insulation strategies designed by an acoustical engineer shall be considered and installed, where appropriate. Double-paned windows, weather seals, and other insulation measures shall be considered on any new building which faces busy roadways.

Specific measures to mitigate noise impacts which may occur as a result of secondary development shall be determined on a case-by-case basis using the city's environmental review process.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Department of Planning and Community Development shall monitor all recommended mitigation measures pertaining to noise impacts as part of its review process prior to its approval of project plans and as part of its site inspection process.

F. Biology/Ecology

1. Silt and dust generation could have a significant localized impact during construction if allowed to coat leaf surfaces. Additionally, construction activities could impact vegetation not scheduled for removal by damaging roots or branches which extend into the construction area.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially
lesser the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Temporary fencing shall be placed around trees during grading and construction activities to prevent inadvertent damage. Construction within the dripline of mature trees shall be avoided to the maximum extent feasible. Standard construction practices to minimize dust and silt generation and their runoff into streams (e.g., watering of construction sites and use of temporary catch basins) shall be employed.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Building Inspectors shall visit project sites to ensure compliance with the recommended vegetation protection measures. Failure of the applicants to comply will result in the cessation of construction activity until remedial action has been proposed and approved.

2. The replacement of the 7th Street bridge could affect a few individual native trees along the Tuolumne River, either directly by removal or indirectly by erosion and deterioration of ecological conditions.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Each individual native tree removed from a riparian area to accommodate bridge projects shall be replaced on a seven-to-one basis by trees of the same species, as per CDFG guidelines.
c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City of Modesto Building Inspectors shall visit project sites to ensure compliance with the recommended vegetation protection measures. Failure of the applicants to comply will result in the cessation of construction activity until remedial action has been proposed and approved.

G. Geology

1. Accelerated erosion could occur during the construction phase without the use of proper erosion control measures.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Cuts and fills and removal of vegetation shall be minimized.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

Prior to issuance of building permits, building plans shall indicate the use of treated concrete and steel members, if indicated by soil testing results.

2. Seismic activity from distant faults could result in moderate groundshaking. Groundshaking can significantly impact proposed buildings and structures included in the project area.
a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Seismic design requirements of the Uniform Building Code shall be satisfied in order to ensure that project structures are designed to withstand the effects of groundshaking.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

All building permits shall comply with the applicable portions of the Uniform Building Code.

4. Landslides and slumps could occur from poorly planned grading along the banks of Dry Creek.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The grading requirements of the Building Code shall be followed.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

All building permits shall comply with the applicable portions of the Uniform Building Code.
H. **Drainage/Hydrology/Water Quality**

1. Impacts on drainage ways could occur during construction activities. Accelerated erosion due to the exposure of soils to wind and rain could result in sedimentation and reduced drainage capacity of creeks and ditches.

   a. The City Council finds that as to such significant effect identified above:

      Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

   b. The facts supporting such finding are as follows:

      The grading requirements of the Building Code shall be followed, especially along Dry Creek, in order to prevent alteration of the watercourse.

   c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

   d. Monitoring Actions:

      Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

      A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

2. Development of previously undeveloped land will increase the amount of impervious surfaces and stormwater runoff.

   a. The City Council finds that as to such significant effect identified above:

      Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
b. The facts supporting such finding are as follows:

Impacts on storm drainage due to increases in impervious surfaces shall be mitigated on a project-by-project basis. The improvements to the storm drain capacity with redevelopment will more than accommodate increased flows.

c. This finding is supported by substantial evidence in the record of proceedings before the City Council.

d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

3. Flooding of the area along Dry Creek may limit development in this part of the project area. The southern edge of the proposed redevelopment area is located within a 100-year floodplain along Dry Creek.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Construction of any improvements shall require the approval of requisite state and federal agencies as is presently required.

c. This finding is supported by substantial evidence in the record of proceedings before the City Council.
d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.

4. The primary concerns for water quality are increases of pollutants in stormwater runoff from urban areas and accelerated erosion and resulting turbidity and siltation due to construction activities.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

Future developments shall mitigate increase in street contaminants such as oil and grease that enter surface waters in the project area.

Land shall be excavated and graded during dry construction seasons, from April to November.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

Building permits shall not be issued until drainage plans have been approved by the City of Modesto Public Works Department when required.

A City of Modesto Public Works Construction Inspector shall inspect the construction site for the proper use and maintenance of catch basins.
I. Public Services

1. The City of Modesto Fire Department will experience impacts associated with fire safety during the construction of new buildings and projects. During project construction, increased traffic congestion, water supply, and safety problems may develop. Impacts may result from the implementation of specific sewer upgrade projects. These impacts include the disruption of City streets and the associated health and safety risks. The health and safety impact of these projects would need to be addressed on a case-by-case basis.

   a. The City Council finds that as to such significant effect identified above:

   Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

   b. The facts supporting such finding are as follows:

   Public safety impacts associated with major infrastructure improvements shall be mitigated by coordination among the Public Works and Transportation, Police, and Fire Departments.

   Before the initiation of any redevelopment project impacting traffic flow, the Chief of Police and Fire Chief shall be informed of specific project location, duration of construction, and alternate routes available.

   A traffic flow plan shall be approved by the City Traffic Engineer prior to construction of each roadway improvement project.

   Public agencies and private developers shall consider the undergrounding of utilities where feasible.

   c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

   d. Monitoring Actions:

   The City Planning Department shall monitor all proposed mitigation measures to ensure they are implemented.
The Planning Department shall coordinate redevelopment projects among the City Traffic Engineer, the Police and Fire Departments, the Public Works Department, PG&E, and the Modesto Irrigation District. The City Planning Department shall inform all parties of proposed projects and ensure all parties coordinate efforts to ensure public safety.

The Police Department shall monitor the effectiveness of this plan during the construction phases of each roadway improvement project.

2. As the Modesto City Schools are currently experiencing overcrowding conditions in many of their schools, growth resulting from the redevelopment project will have a negative impact. Residential growth will increase student enrollment and overcrowding, unless more school facilities are provided. The school facilities in the redevelopment area have not been specifically identified as potential recipients of redevelopment financing. The Modesto Junior College is exploring agreements with the City to privately develop parts of the West Campus and retaining all or parts of the resulting tax revenues for campus facility development. Agreements may prevent further overcrowding by making more facilities feasible.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The Agency and all entities receiving a share of the property tax have negotiated regarding impacts as part of the redevelopment fiscal review process.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.
d. Monitoring Actions:

The Redevelopment Agency shall negotiate facility improvements with Modesto City Schools to ensure proper consideration of growth impacts to schools.

3. The redevelopment project shall have a positive impact on the local construction economy. The project proposes the construction of a number of facilities which would benefit local builders and contractors. The overall fiscal effect of the redevelopment project on the City would be positive. Beautification of the downtown area and alleviation of traffic congestion would likely entice more consumers into the downtown area, allowing for a sustained economic recovery of the area. Based on the past experience of Burns & Watry and Earth Metrics with similar redevelopment projects, tax increment financing appears to be the principal source of long-term redevelopment funding available to the City at this time. Some projects may be partially funded through capital facility fees. The City, however, plans to investigate the use of other funding sources, such as assessment districts, to fund proposed projects. Several City service departments funded through the City of Modesto general fund could be affected by the tax increment financing method. Property tax increases from this area would not accrue to the general fund, and departments such as police and fire would experience increased service demand due to the cumulative effects of redevelopment growth.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

To reduce adverse effects of the Redevelopment Plan on any taxing entity, Community Redevelopment Law allows for the formation of a fiscal review committee composed of one representative from each of the affected taxing entities. Within 15 days after receiving notification that a fiscal review committee has been created, and prior to sending a Redevelopment Plan to the fiscal review committee, the Agency commenced consultation with the
committee regarding the impact of the proposed redevelopment project upon the affected taxing entities. The Agency has responded to the report of the fiscal review committee to alleviate or eliminate the financial burden or detriment, if any, caused by the Amended Plan. This includes, but is not limited to, the following:

(1) Amendments to the Redevelopment Plan which modify the total amount of tax increments to be received by the Redevelopment Agency, the duration of the Redevelopment Plan, the size of the project area, in kind of number, specific projects proposed to be undertaken by the Agency, or include specific actions or projects to be undertaken by the Agency which reduce or eliminate the detrimental fiscal effect upon the members of the fiscal review committee.

(2) Payments by the Agency to the taxing entity which is adversely affected by the Redevelopment Plan.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The Agency will monitor the recommended fiscal mitigation measures.

J. Cultural Resources

1. Archaeological resources not previously identified within the redevelopment area, due to the lack of a comprehensive survey, might be uncovered. Discovery would be most likely in areas not previously disturbed. Subsurface construction activities, such as grading, could result in damage to these archaeological resources. If this were to occur, by law all construction activities shall cease until a qualified archaeologist has been contacted.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.
b. The facts supporting such finding are as follows:

Land alteration work shall be stopped if archaeological resources are observed during construction activities. A qualified archaeologist shall be notified. Prompt evaluations shall then be made regarding the finds, and a course of action acceptable to all concerned parties determined.

c. This finding is supported by substantial evidence in the record of the proceeding before the City Council.

d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its review process prior to its approval of project plans and as part of its site inspection process.

2. As with most areas in California, there is a possibility that Native American burial sites would be encountered during construction.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

In the event that human remains are observed during construction activities, halt all excavation or disturbance of the site until the county coroner has been informed. If the remains are of Native American origin, notify the Native American Heritage Commission within 24 hours. Local Native American Associations and descendants of the deceased shall be informed and make recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.89.
c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its site inspection process.

3. There are buildings listed in the Historic Resources Inventory in the project area. The construction of the redevelopment projects may have adverse effects upon known and unknown historic resources in the area. Specific projects identified as part of the Predevelopment Plan include the reconstruction of J Street and a street overlay from 13th to Downey. These projects may have adverse effects upon the McHenry Mansion on 15th and I Street, and the U.S. Post Office at 12th and I Streets. The Redevelopment Plan proposes the renovation and upgrading of candidate buildings which are structurally deficient and have "obsolete lay-out." Some of the currently undefined "candidate" buildings may be potentially historically significant resources. The renovation of these structures without proper historical identification and due consideration may destroy their historical integrity.

a. The City Council finds that as to such significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects thereof as identified in the Final EIR.

b. The facts supporting such finding are as follows:

The City shall make very reasonable effort to preserve the integrity of any potentially significant historic buildings in the redevelopment area. A finding of historical significance for buildings in the redevelopment area shall be agreed upon by the Landmark Preservation Commission and submitted to the City Council for approval. This list shall be circulated to the Planning Department, the Building Inspection Department, and the Redevelopment Agency for reference. Once designated,
any application for permits for demolition or remodeling shall be referred to the Landmark Preservation Committee. The Commission shall either approve or suggest changes to the permit in order to comply with the historical nature of the site prior to issuance of the permit. If an historic structure may be affected, the Landmark Preservation Commission, a qualified architectural historian, and the City engineer shall agree upon solutions to mitigate any significant impacts.

c. This finding is supported by substantial evidence in the record of the proceedings before the City Council.

d. Monitoring Actions:

The City Department of Planning and Community Development shall monitor recommended mitigation measures to ensure compliance as part of its review process prior to its approval of project plans.
RESOLUTION NO. 91-674


WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") has prepared a proposed Amended the Redevelopment Plan (the "Amendment") for the Modesto Redevelopment Project (the "Project") which would result in the allocation of taxes from certain area proposed to be added by the Amended Plan (the "Added Area") to the Agency for the purposes of redevelopment; and

WHEREAS, Section 33334.2 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires that not less than twenty percent (20%) of all taxes so allocated be used by the Agency for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost; and

WHEREAS, Section 33334.2(g) of the Health and Safety Code provides that the Agency may use such funds outside the Project Area, as amended by the Amended Plan, if a finding is made by resolution of the Agency and the City Council that such use will be of benefit to the Project;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE that the use of taxes allocated from the Project Area, as amended by the Amended Plan, for the purpose of improving and increasing the community's supply of low- and moderate-income housing available at affordable housing cost outside the Project Area, as proposed to be amended, and within the City of Modesto will be of benefit to the Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

(SEAL)

APPROVED AS TO FORM:

By IRIS YANG, Special Counsel for City of Modesto

ATTEST: JUDY C. HALL, City Clerk
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO, THE CITY OF MODESTO, AND THE WOODLAND
AVENUE FIRE DISTRICT PURSUANT TO HEALTH AND SAFETY CODE
SECTION 33401.

WHEREAS, the City Council of the City of Modesto (the "City") is in
the process of adopting an Amended Redevelopment Plan (the "Amended Plan") for
the Modesto Redevelopment Project (the "Project") pursuant to the California
Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), and

WHEREAS, the Woodland Avenue Fire District (the "District") is a
taxing agency with territory located within the boundaries of the land area
added to the Project by the proposed Amended Plan (the "Added Area"), and

WHEREAS, pursuant to Article XVI, Section 16, of the California
Constitution, Section 33670 et seq. of the Health and Safety Code and the
Amended Plan, increases in the assessed values of the property within the
Added Area above the sum of the assessed values as shown on the 1991-92
assessment roll (the "Base Year Roll for the Added Area") will result in that
portion of property taxes levied each year on such increases in assessed
values being paid to the Agency as tax increments (the "Tax Increments") to
pay the principal of and interest on loans, monies advanced to or indebtedness
incurred by the Agency to finance or refinance, in whole or in part,
redevelopment in accordance with the Amended Plan, and

WHEREAS, Section 33401 of the Community Redevelopment Law provides
that a redevelopment agency may pay to any taxing agency any amounts of money
which, in the agency's determination, are necessary and appropriate to
alleviate any financial burden or detriment caused to such taxing agency by a redevelopment project, and

WHEREAS, the Agency, the City and the District desire to enter into an agreement to take certain actions which are necessary and appropriate in order to alleviate financial burden or detriment which will be caused to the District by the Amended Plan, and

WHEREAS, the Agency, the City and the District desire to enter into an agreement whereby the City shall provide certain fire protection services within the jurisdiction of the district,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City hereby approves the Agreement in the substance attached hereto and authorizes the City Manager of the City of Modesto to execute such Agreement on behalf of the City in such final form as approved by the City's Counsel. The City hereby further authorizes the City Manager of the City of Modesto to make technical changes to the Agreement in consultation with the City's Counsel which do not affect the substance of the Agreement as approved.
The foregoing resolution was introduced at a City Council meeting of the City of Modesto held on the 5th day of November, 1991, by Councilmember Martin, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Martin, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird, Dobbs, Irizarry

APPROVED AS TO FORM:

By IRIS YANG, Special Counsel for City of Modesto

ATTEST: JUDY F. HAUL, City Clerk (SEAL)
AGREEMENT BETWEEN THE REDEVELOPMENT
AGENCY OF THE CITY OF MODESTO, THE CITY OF MODESTO
AND THE WOODLAND AVENUE FIRE PROTECTION DISTRICT

THIS AGREEMENT (the "Agreement") is made and entered into this ____ day
of ____________, 1991, by and between the REDEVELOPMENT AGENCY OF THE CITY OF
MODESTO (the "Agency"), the CITY OF MODESTO (the "City") and the WOODLAND
AVENUE FIRE PROTECTION DISTRICT (the "District").

Recitals

A. The Agency is in the process of adopting a proposed amended
redevelopment plan (the "Amended Redevelopment Plan") for the Modesto
Redevelopment Project (the "Project") pursuant to the Community Redevelopment
Law of the State of California (Health and Safety Code Section 33000 et seq.).

B. District is a taxing agency with territory located within the
boundaries of the area proposed to be added to the Existing Project Area by
the Amended Redevelopment Plan (the "Added Area").

C. The City operates a Fire Department which provides fire protection,
emergency medical, and other fire related and support services.

D. If the Redevelopment Plan is adopted, then pursuant to Article XVI,
Section 16, of the California Constitution, Section 33670 et seq. of the
Health and Safety Code and the Redevelopment Plan, increases in the assessed
values of the property within the Added Area above the sum of the assessed
values as shown on the 1991-92 assessment role (the "Base Year Roll") will
result in that portion of property taxes levied each year on such increases in
assessed values being paid to the Agency as Tax Increments (and not including
any amounts paid to affected taxing entities pursuant to Section 33676 of the
Health and Safety Code)("Tax Increments") to pay the principal of and interest
on loans, monies advanced to or indebtedness incurred by the Agency to finance
or refinance, in whole or in part, redevelopment in accordance with the
Redevelopment Plan. The Tax Increments are in addition to those Tax
Increments which the Agency currently receives and will continue to receive
from the Existing Project Area.

E. The Agency has determined that because of the loss in property
taxes the District could incur due to the Project, certain actions as set
forth below are necessary to alleviate the burden and detriment or potential
burden and detriment to the District.

F. In consideration of this Agreement determining the obligations of
the Agency and City, the District is foregoing the right to contest the
establishment of the Amended Redevelopment Plan for the Project, including,
but not limited to, filing a suit, and the Agency and City recognize this as
good and legal consideration.
Agreements

THE AGENCY, THE CITY AND THE DISTRICT HEREBY AGREE AS FOLLOWS:

Section 1: The Agency shall not be obligated to make any payments to the District during the life of the Amended Plan.

Section 2: The City agrees, at its sole cost, to provide fire protection, emergency medical, and other fire related and support services, as the same are provided to residents of the City, to three subareas of the District as shown on the attached maps and legal descriptions entitled Exhibit A.

Section 3: The District shall adopt as the District's Fire Code for the three subareas in Exhibit A, each and every portion of the Modesto Fire Code as the same shall exist at the time of execution of this Agreement.

Section 4: During the life of this Agreement, the District will maintain and keep in force bodily injury and property damage insurance in a combined single limit policy amount of at least $1 million naming the City of Modesto and the Redevelopment Agency as "Additional Insureds or coinsureds as their interests may appear." The District shall furnish or cause to be furnished to the Agency and City duplicate originals or appropriate certificates of such insurance.

The insurance company must give the City and Agency written, 30-day positive notices of cancellation, reduction in coverages, and/or any material changes in terms or coverage.

Section 5: The provisions of this Agreement as to Tax Increment shall be effective as of the date that the Ordinance enacted by the City Council of the City of Modesto adopting the Amended Redevelopment Plan for the Project becomes effective. The provisions of this Agreement as to the provision of fire service by the City shall be effective as of February 1, 1992.

Section 6: The Agency, the City and the District agree not to file and the District agrees not to engage in any litigation to directly or indirectly test or challenge the validity of the Amended Project, the Amended Redevelopment Plan, the Final Environmental Impact Report on the Amended Redevelopment Plan (the "Final EIR"), the Ordinance or
this Agreement; however, this Section shall not preclude the Agency from initiating a bond validation suit if it is deemed necessary by the Agency to assure adequate financing for the Project.

Section 7: In the event litigation is initiated by any party attacking the validity of the Amended Redevelopment Plan, the Project, the Final EIR or the Ordinance, this Agreement shall be suspended and the parties shall have no obligations to each other until such litigation is either (a) terminated by the parties or by a court of competent jurisdiction, or (b) Tax Increments are paid to the Agency. If a judgment becomes final which declares the Amended Redevelopment Plan, the Project, the Final EIR or the Ordinance invalid, this Agreement shall become null and void.

Section 8: This Agreement shall terminate upon the earlier of the expiration or termination of the Amended Redevelopment Plan or of the provisions of the Amended Redevelopment Plan authorizing the allocation to the Agency of tax increments for the Project. Upon termination of this Agreement, all obligations of the Agency and the City shall cease.

IN WITNESS WHEREOF, the Agency, the City and the District have executed this Agreement as of the date first above written.

CITY OF MODESTO, a municipal corporation

By

J. Edward Tewes, City Manager

REDEVELOPMENT AGENCY OF THE
CITY OF MODESTO

By

J. Edward Tewes, Executive Director

ATTEST:

By

Judy C. Hall, Acting City Clerk and Agency Secretary
APPROVED AS TO FORM:

By Iris P. Yang, Special Counsel
and Agency General Counsel

WOODLAND AVENUE FIRE PROTECTION DISTRICT

By Ron Venturini, Chairman
WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 1

All that real property in the State of California, County of Stanislaus, being a portion of Section 19 and the North half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the center lines of Kansas Avenue and Emerald Avenue, said point being a Northeastern corner of the KANSAS AVENUE NO. 2 ANNEXATION (397), as per description filed March 23, 1979, as Instrument 59988, Stanislaus County Records;

1. thence Westerly along a Northern line of said ANNEXATION (397) and said centerline of Kansas Avenue to its intersection with the centerline of Lone Palm Avenue;

2. thence Northerly along an Eastern line of ANNEXATION (397) and said centerline of Lone Palm Avenue to the Southwestern corner of the LONE PALM NO. 1 GOVERNMENTAL REORGANIZATION (437), as per description filed June 29, 1981, as Instrument 76868, Stanislaus County Records;

3. thence Easterly, Northerly and Westerly along the boundary of said REORGANIZATION (437) to the centerline of Lone Palm Avenue;

4. thence Northerly along the centerline of Lone Palm Avenue and said Eastern line of ANNEXATION (397) to a Northeastern corner of ANNEXATION (397);

5. thence Westerly along the most Northerly line of ANNEXATION (397) to the centerline of Reno Avenue and the Eastern line of the CARPENTER-WOODLAND NO. 1 ADDITION (319), as per description filed April 18, 1974, as Instrument 41093, Stanislaus County Records;

6. thence Northerly along said centerline of Reno Avenue and said Eastern line of ADDITION (319) to the centerline of Woodland Avenue;

7. thence Westerly along said centerline of Woodland Avenue and a Northern line of ADDITION (319) to the centerline of McWilliams Way;

8. thence Northerly along said centerline of McWilliams Way and an Eastern line of ADDITION (319) to the centerline of Granite Lane;

9. thence Westerly along said centerline of Granite Lane and a Northern line of ADDITION (319) to a point on an Eastern line of the CARPENTER ROAD NO. 2 ADDITION (286), as per description filed May 3, 1972, as Instrument 17663, Stanislaus County Records;

10. thence Northerly along said Eastern line of ADDITION (286) to a Southern line of the CARPENTER ADDITION (235), as per description filed July 7, 1969, as Instrument 23266, Stanislaus County Records;

11. thence Easterly, Northerly and Westerly along the boundary of said ADDITION (235) to the Western line of said Section 19;

12. thence Northerly along said Western line of Section 19 and an Eastern line of ADDITION (235) to a point on a Southern line of ADDITION (235);
13. thence Easterly along a Southerly boundary of ADDITION (235) to the Western line of Freeway 99;

14. thence Northerly along said Western line of Freeway 99 and ADDITION (235) to a Southeastern corner of the NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records;

15. thence continuing Northerly along the Western line of Freeway 99 and an Eastern line of said ADDITION (195) to a Southeastern line of ADDITION (195);

16. thence Northeasternly along said Southeastern line of ADDITION (195) to the Eastern line of Freeway 99 and the Northern line of Clayton Avenue;

17. thence Easterly along said Northern line of Clayton Avenue and a Southern line of ADDITION (195) to its intersection with the Northerly extension of the Western line of the CAMPUS EDGE ADDITION (71), as per description filed July 24, 1956, as Instrument 20020, Stanislaus County Records;

18. thence Southerly along said Northerly extension and said Western line of ADDITION (71) to the Southwestern corner of ADDITION (71);

19. thence Easterly along the Southern line of ADDITION (71) to the Northwestern corner of the McWILLIAMS ADDITION (201), as per description filed July 11, 1967, as Instrument 21431, Stanislaus County Records;

20. thence Southerly and Easterly along the boundary of said ADDITION (201) to the Western line of the NORTHWEST ADDITION (44), as per description filed December 10, 1951, as Instrument 28460, Stanislaus County Records;

21. thence Southerly along said Western line of ADDITION (44), said line being the centerline of Carver Road and its Southerly extension, to the Southwestern line of North Ninth street;

22. thence Southwesterly along said Southwestern line of North Ninth Street and the Southwestern line of ADDITION (44) to the Northeastern corner of the WOODLAND-BARIUM ANNEXATION (395), as per description filed February 28, 1979, as Instrument 54252, Stanislaus County Records;

23. thence Westerly along the Northern line of said ADDITION (395), said line being the centerline of Woodland Avenue, to the Northwestern corner of ADDITION (395);

24. thence Southerly along the Western line of ADDITION (395), said line being the centerline of Graphics Drive (formerly Barium Road), to the Southwestern corner of ADDITION (395);

25. thence Easterly and Northerly along the boundary of ADDITION (395) to said Southwestern line of ADDITION (44) and said Southwestern line of North Ninth Street;
26. thence Southeasterly along the Southwestern line of ADDITION (44) and the Southwestern line of North Ninth Street to the most Northerly corner of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records;

27. thence Southerly along the boundary of said ADDITION (378) to the Northeastern line of Graphics Drive (formerly Barium Road);

28. thence Northwesterly along said Northeastern line of Graphics Drive and a Northeastern line of ADDITION (378) to its intersection with the Northerly extension of the centerline of Emerald Avenue;

29. thence Southerly along said Northerly extension of and the centerline of Emerald Avenue, said line being a Western line of ADDITION (378), to the centerline of Kansas Avenue;

30. thence Westerly along said centerline of Kansas Avenue to its intersection with the centerline of Emerald Avenue and the point of beginning.
WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerlines of North Emerald Avenue and Laurel Avenue, said point being the Northwestern corner of the LAUREL AVENUE NO. 2 ANNEXATION (382), as per description filed October 2, 1978, as Instrument 21311, Stanislaus County Records;

1. Thence along said centerline of Laurel Avenue, the Northern line of said ANNEXATION (382) and the Northern line of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records, Easterly, 906 feet, more or less, to its intersection with the Southerly extension of the Western line of 60-foot Bennett Avenue, said point also being a Southwestern corner of the LAUREL AVENUE NO. 3 REORGANIZATION (477), as per description filed May 12, 1988, as Instrument 030760, Stanislaus County Records;

2. Thence along said Southerly extension of the Western line of and the Western line of Bennett Avenue and a Western line of said REORGANIZATION (477), Northerly, 249 feet, more or less;

3. Thence along the Northern line of REORGANIZATION (477), Easterly, 1758 feet, more or less, to a point on the East line of Section 30 and the centerline of North Martin Luther King Drive;

4. Thence Northerly along said East line of Section 30 and said centerline of North Martin Luther King Drive, to the Southern line of future State Highway 132;

5. Thence Northwesterly and Westerly along said Southern line of future State Highway 132, and Southern boundary of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records, 2876 feet, more or less, to the centerline of 40.00 foot North Emerald Avenue;

6. Thence along said centerline of North Emerald Avenue, and an Eastern line of said ADDITION (378), Southerly 493 feet, more or less, to the point of beginning.
WOODLAND AVENUE

FIRE PROTECTION

DISTRICT -

SUBAREA NO. 3

CITY of MODESTO
ENGINEERING DEPARTMENT

ACTIVITY NO.

9-17-91 J. Christiansen

3 of 3
WOODLAND AVENUE FIRE PROTECTION DISTRICT
SUBAREA NO. 3

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerline of Spencer Avenue with the Westerly extension of the Northern line of 60.00 foot California Avenue, said point being the Northwesterly corner of the CALIFORNIA-MARSHALL REORGANIZATION (481), as per description filed May 9, 1989, Instrument 33474, Stanislaus County Records; said point also being on the Eastern line of the CALIFORNIA-SPENCER ANNEXATION (447), as per description filed December 30, 1981, as Instrument 35292, Stanislaus County Records;

1. thence along said Eastern line of ANNEXATION (447), North 00° 10’ 37” East, 728.95 feet, to the Northeastern corner of ANNEXATION (447);

2. thence along the Northern line of ANNEXATION (447) and the Northern line of the SPENCER ADDITION (144), as per description filed January 7, 1963, as Instrument 668, Stanislaus County Records, South 89° 57’ 07” West, 461.02 feet, to a point on the Easterly line of the Modesto Irrigation District No. 5, said Easterly line also being an Easterly line of the EMERALD AVENUE NO. 2 REORGANIZATION (474), as per description filed January 12, 1988, as Instrument 2120, Stanislaus County Records;

3. thence Northerly along said Easterly line of Lateral No. 5 and Easterly line of REORGANIZATION (474), said line being a non-tangent curve concave to the Northwest, having a Radius of 342 feet, a Central Angle of 33° 53’ 36” and an Arc Length of 202.31 feet;

4. thence continuing along the Easterly line of Lateral No. 5 and REORGANIZATION (474), North 3° 15’ 53” West, 954.03 feet;

5. thence continuing Northeasterly along the Easterly line of Lateral No. 5 and REORGANIZATION (474), on a tangent curve concave to the Southeast, having a Radius of 320 feet, a Central Angle of 30° 16’ and an Arc Length of 169.04 feet;

6. thence continuing along the Easterly line of Lateral No. 5 and REORGANIZATION (474), North 26° 58’ 44” East, 368.45 feet, to a point on the Southern line of the TUTTLE ADDITION (116), as per description filed January 19, 1961, as Instrument 1929, Stanislaus County Records;

7. thence along said Southern line of ADDITION (116), North 88° 40’ East, 235.84 feet, to the Southeastern corner of ADDITION (116);

8. thence along the Eastern line of ADDITION (116), said line also being the Western line of 40.00 foot Spencer Avenue, North, 169.26 feet, to the Northeastern corner of ADDITION (116) and a point on the Southern line of the MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records;
9. thence along said Southern line of ADDITION (42), said line being the centerline of Maze Boulevard and the North line of said Section 31, North 88° 40' East, 684.72 feet, to the Northwestern corner of HAWKINS TRACT ADDITION (6), as per description filed June 25, 1938, as Instrument 7592, Stanislaus County Records;

10. thence along said Western line of said ADDITION (6) and the Western line of the CRANE TRACT ADDITION (14), as per description filed July 11, 1946, as Instrument 18328, Stanislaus County Records, South, 1309.68 feet, to the Southwestern corner of said ADDITION (14);

11. thence along the Southern line of ADDITION (14), North 89° 55' East, 665.68 feet, to the Southeastern corner of ADDITION (14), said point being the Northeastern corner of Lot 9 of the SPENCER COLONY, as per map filed December 16, 1904 in Volume 2 of Maps, Page 3, Stanislaus County Records;

12. thence along the Eastern line of said Lot 9, South, 326.95 feet, to the Northeastern corner of the VINE STREET NO. 2 ANNEXATION (386), as per description filed October 30, 1978, as Instrument 28126, Stanislaus County Records;

13. thence along the Northern line of said ANNEXATION (386), South 89° 58’ 30” West, 665.58 feet, to the Northwestern corner of ANNEXATION (386);

14. thence along the Western line of ANNEXATION (386) and the Western line of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records, South, 971.89 feet, to the Southwestern corner of Addition (108) and a Northeastern corner of said REORGANIZATION (481);

15. thence along the Northern boundary of said REORGANIZATION (481), the following bearings and distances, North 89° 37' 03" West, 25.21 feet;

16. thence North 00° 36’ 27” East, 30.00 feet;

17. thence North 89° 37’ 03” West, 152.95 feet;

18. thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 15.00 feet, a Central Angle of 90° 14’ and an Arc Length of 23.62 feet;

19. thence along a radial line, North 89° 23’ 03” West, 55.00 feet;

20. thence South 00° 36’ 57” West, 25.79 feet;

21. thence North 89° 37’ 03” West, 416.74 feet, to the point of beginning, containing 60 Acres, more or less.
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION
HELD IN THE CITY OF MODESTO ON NOVEMBER 5, 1991, AND
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 5, 1991, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect one Mayor for the City of Modesto for a term of four years; one Councilmember (Chair No. 1) for a term of four years; one Councilmember (Chair No. 3) for a term of four years; one Councilmember (Chair 5) to complete a four year term expiring in 1993; and one Councilmember (Chair No. 6) for a term of four years; and to elect three members to the Modesto Board of Education of said District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 5, 1991, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the City Clerk canvassed the returns of said election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 5, 1991, a
copy of which is attached hereto marked Exhibit "A" and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

1. Said canvass by the City Clerk as shown on said Certificate of
Canvass and Statement of Votes and the results of the election are hereby
ratified, confirmed and approved.

2. That in accordance with Section 22933 of the Elections Code, a
copy of said Certificate of Canvass and Statement of Votes, which is attached
hereto marked as Exhibit "A" and made a part hereof, shows a complete
tabulation of the following:

   (a) The whole number of votes cast in the city.
   (b) The names of the persons voted for.
   (c) For what office each person was voted for.
   (d) The number of votes given at each precinct to each person.
   (e) The number of votes given in the city to each person.

3. That the following named persons having received a majority of
the votes cast for the elective offices as designated on Exhibit "A", are
hereby declared to be duly and regularly elected to such office and the City
Clerk is hereby directed to issue a Certificate of Election to each of said
persons, certifying his/her election to the office appearing after his/her
name, and to administer to each of said persons the oath of office prescribed
by the Constitution and laws of the State of California, and the Charter of
said City, to wit:

   Richard A. Lang        Mayor for a term of four years.
   Stan Dobbs            Councilmember for a term of four years Chair No. 1.
Frank T. Muratore  Councilmember for a term of four years Chair No. 3.
Kenni Friedman  Councilmember for a term of four years Chair No. 5.
Odessa Johnson  Member, Modesto Board of Education, for a term of four years.
Axel Hedberg  Member, Modesto Board of Education, for a term of four years.
John N. Uhl  Member, Modesto Board of Education, for a term of four years.

At said Regular Municipal Election a majority vote was not cast for Councilmember for a term of four years, Chair No. 6, therefore, a second municipal election shall be held on Tuesday, December 10, 1991, at which time the two candidates receiving the highest number of votes, Balvino Irizarry and Dave Cogdill, shall have their names on the ballot for election to the office of Councilmember, Chair No. 6.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

STAN T. YAMAMOTO, City Attorney
CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE
CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 5, 1991

I, Judy C. Hall, Acting City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 7, 1991, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 5, 1991, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Mayor
Richard A. Lang  13,982  66.2%
Carmen Sabatino  7,119  33.7%

Chair 1, Modesto City Council
"Frank" Leonard  5,259  26.3%
Stan Dobbs  14,663  73.6%

Chair 3, Modesto City Council
Frank T. Muratore  11,171  54.1%
Dave Haley  4,938  23.9%
Suzanne Williams  4,507  21.8%

Chair 5, Modesto City Council
Kenni Friedman  11,411  54.9%
Arthur A. Martin  9,356  45%

Chair 6, Modesto City Council
David Jolliff  2,845  13.6%
Balvino Irizarry  8,721  41.8%
Ronald J. Inman  2,061  9.8%
Dave Cogdill  6,504  31.1%
Bruce H. Hawkins  728  3.4%
Member, Modesto Board of Education

Odessa Johnson        15,379  23.7%
Rodolfo Arevalo       6,157   9.5%
Richard Thomson       6,907  10.6%
Guy Langman           4,263   6.5%
Terri Lynn Marshall   3,195   4.9%
Axel Hedberg          11,877  18.3%
George W. Walters     6,339   9.7%
John N. Uhl           10,663  16.4%

Voter Turnout

City of Modesto       21,838  30.8%
Modesto High School District 25,380  28.8%

November 12, 1991
<table>
<thead>
<tr>
<th>Page Number</th>
<th>9.005.001</th>
</tr>
</thead>
</table>

### CITY OF MODESTO FOR MAYOR AND CITY COUNCIL CHAIR MEMBERS 1 & 3

<table>
<thead>
<tr>
<th>Number</th>
<th>City Name</th>
<th>Percent</th>
<th>Votes Cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MODESTO 1</td>
<td>729</td>
<td>118</td>
</tr>
<tr>
<td>2</td>
<td>MODESTO 2</td>
<td>861</td>
<td>101</td>
</tr>
<tr>
<td>3</td>
<td>MODESTO 3</td>
<td>691</td>
<td>59</td>
</tr>
<tr>
<td>4</td>
<td>MODESTO 58</td>
<td>737</td>
<td>91</td>
</tr>
<tr>
<td>5</td>
<td>MODESTO 6</td>
<td>834</td>
<td>91</td>
</tr>
<tr>
<td>6</td>
<td>MODESTO 7</td>
<td>270</td>
<td>64</td>
</tr>
<tr>
<td>7</td>
<td>MODESTO 8</td>
<td>392</td>
<td>117</td>
</tr>
<tr>
<td>8</td>
<td>MODESTO 9</td>
<td>992</td>
<td>222</td>
</tr>
<tr>
<td>9</td>
<td>MODESTO 10</td>
<td>523</td>
<td>7</td>
</tr>
<tr>
<td>10</td>
<td>MODESTO 11</td>
<td>650</td>
<td>60</td>
</tr>
<tr>
<td>11</td>
<td>MODESTO 12</td>
<td>606</td>
<td>144</td>
</tr>
<tr>
<td>12</td>
<td>MODESTO 13</td>
<td>731</td>
<td>122</td>
</tr>
<tr>
<td>13</td>
<td>MODESTO 14</td>
<td>776</td>
<td>165</td>
</tr>
<tr>
<td>14</td>
<td>MODESTO 15</td>
<td>658</td>
<td>47</td>
</tr>
<tr>
<td>15</td>
<td>MODESTO 16</td>
<td>776</td>
<td>114</td>
</tr>
<tr>
<td>16</td>
<td>MODESTO 17</td>
<td>895</td>
<td>167</td>
</tr>
<tr>
<td>17</td>
<td>MODESTO 18</td>
<td>958</td>
<td>187</td>
</tr>
<tr>
<td>18</td>
<td>MODESTO 19</td>
<td>662</td>
<td>56</td>
</tr>
<tr>
<td>19</td>
<td>MODESTO 20</td>
<td>726</td>
<td>162</td>
</tr>
<tr>
<td>20</td>
<td>MODESTO 21</td>
<td>692</td>
<td>178</td>
</tr>
<tr>
<td>21</td>
<td>MODESTO 22</td>
<td>456</td>
<td>55</td>
</tr>
<tr>
<td>22</td>
<td>MODESTO 23</td>
<td>744</td>
<td>113</td>
</tr>
<tr>
<td>23</td>
<td>MODESTO 24</td>
<td>613</td>
<td>82</td>
</tr>
<tr>
<td>24</td>
<td>MODESTO 25</td>
<td>288</td>
<td>74</td>
</tr>
<tr>
<td>25</td>
<td>MODESTO 26</td>
<td>609</td>
<td>178</td>
</tr>
<tr>
<td>26</td>
<td>MODESTO 27</td>
<td>719</td>
<td>138</td>
</tr>
<tr>
<td>27</td>
<td>MODESTO 28</td>
<td>626</td>
<td>130</td>
</tr>
<tr>
<td>28</td>
<td>MODESTO 29</td>
<td>849</td>
<td>166</td>
</tr>
<tr>
<td>29</td>
<td>MODESTO 30</td>
<td>484</td>
<td>65</td>
</tr>
<tr>
<td>30</td>
<td>MODESTO 31</td>
<td>755</td>
<td>111</td>
</tr>
<tr>
<td>31</td>
<td>MODESTO 32</td>
<td>1058</td>
<td>269</td>
</tr>
<tr>
<td>32</td>
<td>MODESTO 33</td>
<td>610</td>
<td>151</td>
</tr>
<tr>
<td>33</td>
<td>MODESTO 34</td>
<td>642</td>
<td>143</td>
</tr>
<tr>
<td>34</td>
<td>MODESTO 35</td>
<td>984</td>
<td>237</td>
</tr>
<tr>
<td>35</td>
<td>MODESTO 36</td>
<td>690</td>
<td>135</td>
</tr>
<tr>
<td>36</td>
<td>MODESTO 37</td>
<td>1015</td>
<td>200</td>
</tr>
<tr>
<td>37</td>
<td>MODESTO 38</td>
<td>843</td>
<td>277</td>
</tr>
<tr>
<td>38</td>
<td>MODESTO 39</td>
<td>572</td>
<td>101</td>
</tr>
<tr>
<td>39</td>
<td>MODESTO 40</td>
<td>658</td>
<td>164</td>
</tr>
<tr>
<td>40</td>
<td>MODESTO 41</td>
<td>681</td>
<td>88</td>
</tr>
<tr>
<td>41</td>
<td>MODESTO 42</td>
<td>719</td>
<td>119</td>
</tr>
<tr>
<td>42</td>
<td>MODESTO 43</td>
<td>872</td>
<td>258</td>
</tr>
<tr>
<td>43</td>
<td>MODESTO 44</td>
<td>907</td>
<td>257</td>
</tr>
<tr>
<td>44</td>
<td>MODESTO 45</td>
<td>761</td>
<td>170</td>
</tr>
<tr>
<td>45</td>
<td>MODESTO 46</td>
<td>686</td>
<td>176</td>
</tr>
<tr>
<td>46</td>
<td>MODESTO 47</td>
<td>773</td>
<td>137</td>
</tr>
<tr>
<td>47</td>
<td>MODESTO 48</td>
<td>905</td>
<td>165</td>
</tr>
<tr>
<td>48</td>
<td>MODESTO 49</td>
<td>764</td>
<td>166</td>
</tr>
<tr>
<td>49</td>
<td>MODESTO 50</td>
<td>703</td>
<td>209</td>
</tr>
<tr>
<td>50</td>
<td>MODESTO 51</td>
<td>707</td>
<td>67</td>
</tr>
<tr>
<td>51</td>
<td>MODESTO 52</td>
<td>846</td>
<td>192</td>
</tr>
<tr>
<td>52</td>
<td>MODESTO 53</td>
<td>692</td>
<td>144</td>
</tr>
<tr>
<td>53</td>
<td>MODESTO 54</td>
<td>826</td>
<td>152</td>
</tr>
<tr>
<td>54</td>
<td>MODESTO 55</td>
<td>504</td>
<td>82</td>
</tr>
<tr>
<td>55</td>
<td>MODESTO 56</td>
<td>799</td>
<td>73</td>
</tr>
<tr>
<td>56</td>
<td>MODESTO 57</td>
<td>432</td>
<td>39</td>
</tr>
<tr>
<td>57</td>
<td>MODESTO 58</td>
<td>668</td>
<td>136</td>
</tr>
<tr>
<td>58</td>
<td>MODESTO 59</td>
<td>764</td>
<td>152</td>
</tr>
<tr>
<td>59</td>
<td>MODESTO 60</td>
<td>692</td>
<td>144</td>
</tr>
<tr>
<td>60</td>
<td>MODESTO 61</td>
<td>826</td>
<td>152</td>
</tr>
<tr>
<td>61</td>
<td>MODESTO 62</td>
<td>504</td>
<td>82</td>
</tr>
<tr>
<td>62</td>
<td>MODESTO 63</td>
<td>799</td>
<td>73</td>
</tr>
<tr>
<td>63</td>
<td>MODESTO 64</td>
<td>432</td>
<td>39</td>
</tr>
<tr>
<td>64</td>
<td>MODESTO 65</td>
<td>668</td>
<td>136</td>
</tr>
<tr>
<td>65</td>
<td>MODESTO 66</td>
<td>764</td>
<td>152</td>
</tr>
<tr>
<td>CITY OF MODESTO FOR MAYOR AND CITY COUNCIL CHAIR</td>
<td><strong>STATEMENT OF VOTES CAST AT THE CONSOLIDATED DISTRICT ELECTION NOVEMBER 5, 1991</strong></td>
<td><strong>TOTALS</strong></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>CITY OF MODESTO</td>
<td><strong>REPRESENTATION VOTERS</strong></td>
<td><strong>TURNOVER PERCENTAGE</strong></td>
<td></td>
</tr>
<tr>
<td>MODESTO 67</td>
<td>732</td>
<td>89</td>
<td>12.1%</td>
</tr>
<tr>
<td>MODESTO 68</td>
<td>685</td>
<td>120</td>
<td>18.5%</td>
</tr>
<tr>
<td>MODESTO 69</td>
<td>688</td>
<td>120</td>
<td>18.4%</td>
</tr>
<tr>
<td>MODESTO 70</td>
<td>836</td>
<td>239</td>
<td>28.5%</td>
</tr>
<tr>
<td>MODESTO 71</td>
<td>912</td>
<td>185</td>
<td>20.3%</td>
</tr>
<tr>
<td>MODESTO 72</td>
<td>455</td>
<td>55</td>
<td>12.0%</td>
</tr>
<tr>
<td>MODESTO 73</td>
<td>800</td>
<td>84</td>
<td>10.5%</td>
</tr>
<tr>
<td>MODESTO 74</td>
<td>818</td>
<td>298</td>
<td>36.7%</td>
</tr>
<tr>
<td>MODESTO 75</td>
<td>698</td>
<td>163</td>
<td>19.7%</td>
</tr>
<tr>
<td>MODESTO 76,102</td>
<td>996</td>
<td>133</td>
<td>13.3%</td>
</tr>
<tr>
<td>MODESTO 77</td>
<td>644</td>
<td>114</td>
<td>17.4%</td>
</tr>
<tr>
<td>MODESTO 78</td>
<td>771</td>
<td>124</td>
<td>16.0%</td>
</tr>
<tr>
<td>MODESTO 79,80</td>
<td>839</td>
<td>178</td>
<td>21.2%</td>
</tr>
<tr>
<td>MODESTO 81,82</td>
<td>1051</td>
<td>234</td>
<td>22.2%</td>
</tr>
<tr>
<td>MODESTO 83</td>
<td>915</td>
<td>114</td>
<td>12.6%</td>
</tr>
<tr>
<td>MODESTO 84</td>
<td>933</td>
<td>147</td>
<td>15.6%</td>
</tr>
<tr>
<td>MODESTO 85</td>
<td>828</td>
<td>109</td>
<td>13.1%</td>
</tr>
<tr>
<td>MODESTO 86</td>
<td>614</td>
<td>82</td>
<td>13.3%</td>
</tr>
<tr>
<td>MODESTO 87</td>
<td>684</td>
<td>157</td>
<td>28.8%</td>
</tr>
<tr>
<td>MODESTO 88</td>
<td>741</td>
<td>181</td>
<td>24.4%</td>
</tr>
<tr>
<td>MODESTO 89,108</td>
<td>1038</td>
<td>192</td>
<td>18.4%</td>
</tr>
<tr>
<td>MODESTO 90</td>
<td>893</td>
<td>173</td>
<td>19.2%</td>
</tr>
<tr>
<td>MODESTO 91</td>
<td>663</td>
<td>54</td>
<td>12.1%</td>
</tr>
<tr>
<td>MODESTO 92</td>
<td>796</td>
<td>80</td>
<td>10.0%</td>
</tr>
<tr>
<td>MODESTO 93</td>
<td>843</td>
<td>133</td>
<td>15.7%</td>
</tr>
<tr>
<td>MODESTO 94</td>
<td>1015</td>
<td>143</td>
<td>14.0%</td>
</tr>
<tr>
<td>MODESTO 95</td>
<td>665</td>
<td>87</td>
<td>13.0%</td>
</tr>
<tr>
<td>MODESTO 96</td>
<td>800</td>
<td>179</td>
<td>22.3%</td>
</tr>
<tr>
<td>MODESTO 97</td>
<td>758</td>
<td>110</td>
<td>14.5%</td>
</tr>
<tr>
<td>MODESTO 98,109</td>
<td>688</td>
<td>58</td>
<td>8.6%</td>
</tr>
<tr>
<td>MODESTO 99</td>
<td>884</td>
<td>110</td>
<td>12.4%</td>
</tr>
<tr>
<td>MODESTO 100</td>
<td>738</td>
<td>106</td>
<td>14.5%</td>
</tr>
<tr>
<td>MODESTO 101</td>
<td>691</td>
<td>145</td>
<td>20.2%</td>
</tr>
<tr>
<td>MODESTO 102</td>
<td>685</td>
<td>81</td>
<td>12.7%</td>
</tr>
<tr>
<td>MODESTO 103</td>
<td>701</td>
<td>123</td>
<td>18.2%</td>
</tr>
<tr>
<td>MODESTO 104</td>
<td>497</td>
<td>72</td>
<td>14.4%</td>
</tr>
<tr>
<td>MODESTO 105</td>
<td>511</td>
<td>111</td>
<td>22.1%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 017</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 018</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 019</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 020</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 021</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 022</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 023</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>ABSENTEE GROUP 024</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>70768</td>
<td>21934</td>
<td>30.8%</td>
</tr>
</tbody>
</table>

**Note:** The table above represents the statement of votes cast at the consolidated district election on November 5, 1991, for the city of Modesto, listing the votes cast for mayor and city council chair. The totals at the bottom indicate the grand totals for each category.
<p>| CITY     | MODESTO FOR CITY COUNCIL CHAIR NUMBER 5 &amp; 6 | STATEMENT OF VOTES CAST AT THE CONSOLIDATED\n| MODESTO 1 | 729 138 18.9% | 75 55 19 56 14 36 4 |
| MODESTO 2 | 881 181 20.53% | 80 80 25 69 15 67 5 |
| MODESTO 4 | 691 69 9.4% | 28 32 14 10 13 12 3 |
| MODESTO 5B | 737 91 12.3% | 47 34 14 39 15 14 3 |
| MODESTO 6 | 834 91 10.9% | 37 45 20 29 19 12 9 |
| MODESTO 7 | 512 84 16.4% | 49 32 8 37 4 23 5 |
| MODESTO 8 | 892 117 13.1% | 56 51 9 42 11 39 4 |
| MODESTO 9, 10 | 902 222 24.3% | 117 91 32 81 13 71 2 |
| MODESTO 11 | 523 97 18.5% | 58 35 21 27 14 24 1 |
| MODESTO 12 | 650 80 12.3% | 47 30 6 31 14 29 3 |
| MODESTO 13 | 606 147 24.2% | 80 61 27 48 14 42 3 |
| MODESTO 14 | 731 122 16.6% | 58 51 18 40 15 41 4 |
| MODESTO 15 | 711 135 17.3% | 71 57 16 55 11 45 3 |
| MODESTO 16 | 456 47 10.2% | 18 31 11 13 19 1 |
| MODESTO 17 | 776 114 14.6% | 66 61 19 43 13 28 2 |
| MODESTO 18, 85 | 893 167 18.7% | 102 54 26 56 8 60 3 |
| MODESTO 19 | 958 187 19.5% | 120 56 22 79 13 52 4 |
| MODESTO 20 | 653 98 15.0% | 56 34 17 45 12 16 4 |
| MODESTO 21 | 662 162 24.4% | 102 49 27 55 17 58 1 |
| MODESTO 22 | 725 164 22.6% | 112 49 20 78 16 42 3 |
| MODESTO 23 | 456 55 12.0% | 20 33 26 26 5 10 4 |
| MODESTO 24 | 744 113 15.1% | 55 43 21 47 9 24 3 |
| MODESTO 25A | 613 82 13.3% | 44 36 11 36 11 17 3 |
| MODESTO 26 A | 284 272 26.0% | 37 28 10 18 7 21 7 |
| MODESTO 27 | 696 178 25.5% | 111 62 26 93 11 41 4 |
| MODESTO 28 | 719 138 19.1% | 69 64 19 44 13 48 8 |
| MODESTO 29 | 626 130 20.7% | 66 54 18 38 15 49 7 |
| MODESTO 30, 103 | 845 198 19.5% | 80 76 20 65 7 44 2 |
| MODESTO 31 | 484 63 13.4% | 32 29 17 16 1 23 2 |
| MODESTO 32 | 759 114 14.7% | 61 45 17 42 11 29 8 |
| MODESTO 33, 35 | 1019 269 26.3% | 148 109 34 127 11 81 6 |
| MODESTO 36 | 546 151 27.6% | 115 33 19 64 10 54 4 |
| MODESTO 37 | 642 143 22.2% | 80 62 22 55 11 51 1 |
| MODESTO 38 | 984 237 24.0% | 131 90 50 80 16 75 6 |
| MODESTO 39, 82 | 950 165 18.4% | 93 55 36 51 1 45 2 |
| MODESTO 40, 41 | 1015 201 19.7% | 113 80 29 67 11 75 7 |
| MODESTO 42 | 840 277 32.9% | 161 109 52 103 11 104 2 |
| MODESTO 43 | 572 101 17.6% | 61 33 14 39 5 37 3 |
| MODESTO 44 | 554 144 25.9% | 66 73 16 53 7 59 1 |
| MODESTO 45 | 481 88 18.2% | 52 33 11 36 8 24 5 |
| MODESTO 46 | 719 19 16.5% | 57 57 12 38 15 48 8 |
| MODESTO 47 | 874 248 28.2% | 149 79 22 76 7 108 12 |
| MODESTO 48 | 904 237 26.1% | 140 89 27 76 7 108 12 |
| MODESTO 50 | 717 161 22.4% | 97 56 23 60 15 44 4 |
| MODESTO 51 | 617 107 17.3% | 64 36 21 52 13 12 9 |
| MODESTO 52 | 686 175 26.0% | 109 66 24 71 5 64 4 |
| MODESTO 53 | 773 17 17.7% | 66 64 20 59 12 32 5 |
| MODESTO 54, 82 | 709 15 18.2% | 93 55 36 51 1 45 2 |
| MODESTO 55 | 764 164 21.7% | 101 61 19 61 8 66 5 |
| MODESTO 56 | 703 209 29.7% | 128 79 20 90 7 75 7 |
| MODESTO 57 | 502 97 19.7% | 57 41 14 41 5 32 2 |
| MODESTO 58 | 702 67 9.5% | 37 27 14 21 5 24 2 |
| MODESTO 59 | 846 192 22.6% | 106 74 27 62 17 72 4 |
| MODESTO 60 | 692 144 20.8% | 58 80 12 61 5 38 2 |
| MODESTO 61 | 826 55 18.3% | 86 27 26 67 7 62 2 |
| MODESTO 628 | 504 63 16.2% | 38 40 6 21 11 24 7 |
| MODESTO 638 | 799 75 9.1% | 29 27 13 21 6 17 4 |
| MODESTO 64 | 432 33 9.0% | 24 13 8 11 1 6 2 |
| MODESTO 65 | 454 64 25.7% | 61 45 24 30 15 27 6 |
| MODESTO 66 | 762 152 19.8% | 75 67 24 57 21 40 6 |</p>
<table>
<thead>
<tr>
<th>Page Number</th>
<th>12,006.001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Statement of Votes Cast at the Consolidated City of Modesto for City Council Chair Numbers 5 &amp; 6 Election November 5, 91</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Registered Voters</strong></td>
<td><strong>Turnout</strong></td>
</tr>
<tr>
<td>Modesto 67</td>
<td>783</td>
</tr>
<tr>
<td>Modesto 68</td>
<td>689</td>
</tr>
<tr>
<td>Modesto 69</td>
<td>684</td>
</tr>
<tr>
<td>Modesto 70</td>
<td>836</td>
</tr>
<tr>
<td>Modesto 71</td>
<td>914</td>
</tr>
<tr>
<td>Modesto 72</td>
<td>455</td>
</tr>
<tr>
<td>Modesto 73</td>
<td>800</td>
</tr>
<tr>
<td>Modesto 74</td>
<td>811</td>
</tr>
<tr>
<td>Modesto 75</td>
<td>845</td>
</tr>
<tr>
<td>Modesto 76, 102</td>
<td>999</td>
</tr>
<tr>
<td>Modesto 77</td>
<td>638</td>
</tr>
<tr>
<td>Modesto 78</td>
<td>771</td>
</tr>
<tr>
<td>Modesto 79, 80</td>
<td>859</td>
</tr>
<tr>
<td>Modesto 81, 89</td>
<td>1051</td>
</tr>
<tr>
<td>Modesto 83</td>
<td>919</td>
</tr>
<tr>
<td>Modesto 84</td>
<td>936</td>
</tr>
<tr>
<td>Modesto 86</td>
<td>823</td>
</tr>
<tr>
<td>Modesto 88</td>
<td>614</td>
</tr>
<tr>
<td>Modesto 90</td>
<td>682</td>
</tr>
<tr>
<td>Modesto 91</td>
<td>761</td>
</tr>
<tr>
<td>Modesto 93, 109</td>
<td>1038</td>
</tr>
<tr>
<td>Modesto 94</td>
<td>893</td>
</tr>
<tr>
<td>Modesto 95</td>
<td>647</td>
</tr>
<tr>
<td>Modesto 96</td>
<td>794</td>
</tr>
<tr>
<td>Modesto 97</td>
<td>843</td>
</tr>
<tr>
<td>Modesto 98, 109</td>
<td>1019</td>
</tr>
<tr>
<td>Modesto 99</td>
<td>665</td>
</tr>
<tr>
<td>Modesto 100</td>
<td>800</td>
</tr>
<tr>
<td>Modesto 101</td>
<td>748</td>
</tr>
<tr>
<td>Modesto 102</td>
<td>599</td>
</tr>
<tr>
<td>Modesto 105</td>
<td>884</td>
</tr>
<tr>
<td>Modesto 106</td>
<td>730</td>
</tr>
<tr>
<td>Modesto 107</td>
<td>691</td>
</tr>
<tr>
<td>Modesto 110</td>
<td>483</td>
</tr>
<tr>
<td>Modesto 111</td>
<td>701</td>
</tr>
<tr>
<td>Modesto 112</td>
<td>467</td>
</tr>
<tr>
<td>Absentee Group 017</td>
<td>451</td>
</tr>
<tr>
<td>Absentee Group 018</td>
<td>0</td>
</tr>
<tr>
<td>Absentee Group 019</td>
<td>0</td>
</tr>
<tr>
<td>Absentee Group 020</td>
<td>0</td>
</tr>
<tr>
<td>Absentee Group 027</td>
<td>0</td>
</tr>
<tr>
<td>Absentee Group 029</td>
<td>0</td>
</tr>
<tr>
<td>Modesto 3</td>
<td>34</td>
</tr>
<tr>
<td>Modesto 5A</td>
<td>47</td>
</tr>
<tr>
<td>Modesto 25B</td>
<td>66</td>
</tr>
<tr>
<td>Modesto 25B</td>
<td>3</td>
</tr>
<tr>
<td>Modesto 62A</td>
<td>0</td>
</tr>
<tr>
<td>Modesto 65A</td>
<td>0</td>
</tr>
<tr>
<td>Modesto 87</td>
<td>0</td>
</tr>
<tr>
<td>Modesto 92</td>
<td>18</td>
</tr>
</tbody>
</table>

***Totals***

| 70763 | 21858 | 30.8% | 11611 | 9358 | 2854 | 8721 | 2017 | 406 | 925 | 1556 | 277 | 663 | 75 |

**5.7%**
'-5fHEHENr Of VOrES cAsfl\j-fiifCij.sULlU{,Ti· - ')fsj"fic:Tr-'EI,TlIc,nC;;',[,T1II'OlNN' -;mWMliER',>'.vl1,,-"'''-'
IOARD ( f EDUCATION •• **

------.-r-.. >~"·"-O"""F'III
. . . . tiO(JI"

LDO

~

~i

,\

G

R'li

E

T

IN"
SOl)
T
U!J
R

.

,

E

j

~g ~~ ~~ ~B

8 rr :fT

DEODDCOYD~IJ[

ESEOEHE
ERII.
S S S l
5 A S lSI
S
TAT F T R TAT
r II

000

0 DON

0 l

U

f.

J

G
Y
0
BOBABTBM8!..;bB

DHDRDHDADNDE
N
EON
R

o

F'
E
"
C
E

E

I

D
V

T

R
S

N

as

E

o ~,
A '
l

B II

DL

oF

J

°

EN

E

ES

E

E R,

E

0

0

OH
A

0

OS!

0

, II
'/.

I, ,.

E!
3

E
3

FA

FS

E

EO

LOR

",' 'i :iJJ I/,'I !.,::;
!v'lt;

E
3

\J

B

f

FO

E
3

T Ii

0

~

F

0

U'51

P

UG

OM

ADD
G

T E!

o

OM
FA

OV

N

if

E
3

E
3

I

E,

f

I.ilul
I

E

3

' E

3

_._- ----- j - - - I - - - -


<table>
<thead>
<tr>
<th>VOTERS</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
<th>E 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARADISE 8A</td>
<td>501</td>
<td>58</td>
<td>11.5%</td>
<td>39</td>
<td>11</td>
<td>18</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>PARADISE 8B</td>
<td>333</td>
<td>41</td>
<td>12.3%</td>
<td>31</td>
<td>11</td>
<td>7</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>RIVERBANK 4, 5</td>
<td>505</td>
<td>124</td>
<td>23.3%</td>
<td>54</td>
<td>34</td>
<td>17</td>
<td>11</td>
<td>60</td>
</tr>
<tr>
<td>SALIDA 1</td>
<td>740</td>
<td>117</td>
<td>15.8%</td>
<td>50</td>
<td>15</td>
<td>20</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>SALIDA 2</td>
<td>802</td>
<td>118</td>
<td>14.6%</td>
<td>52</td>
<td>23</td>
<td>32</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td>SALIDA 3</td>
<td>429</td>
<td>82</td>
<td>19.1%</td>
<td>36</td>
<td>13</td>
<td>30</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>ABSENTEE GROUP 005</td>
<td>0</td>
<td>278</td>
<td>0.0%</td>
<td>150</td>
<td>41</td>
<td>70</td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td>ABSENTEE GROUP 010</td>
<td>0</td>
<td>117</td>
<td>0.0%</td>
<td>56</td>
<td>21</td>
<td>44</td>
<td>21</td>
<td>11</td>
</tr>
<tr>
<td>ABSENTEE GROUP 011</td>
<td>0</td>
<td>161</td>
<td>0.0%</td>
<td>114</td>
<td>43</td>
<td>33</td>
<td>22</td>
<td>27</td>
</tr>
<tr>
<td>ABSENTEE GROUP 016</td>
<td>0</td>
<td>172</td>
<td>0.0%</td>
<td>112</td>
<td>47</td>
<td>33</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>ABSENTEE GROUP 018</td>
<td>0</td>
<td>4217</td>
<td>0.0%</td>
<td>2613</td>
<td>1050</td>
<td>980</td>
<td>681</td>
<td>62</td>
</tr>
<tr>
<td>ABSENTEE GROUP 019</td>
<td>0</td>
<td>134</td>
<td>0.0%</td>
<td>85</td>
<td>42</td>
<td>35</td>
<td>17</td>
<td>27</td>
</tr>
<tr>
<td>ABSENTEE GROUP 020</td>
<td>0</td>
<td>2542</td>
<td>0.0%</td>
<td>1507</td>
<td>570</td>
<td>676</td>
<td>367</td>
<td>297</td>
</tr>
<tr>
<td>ABSENTEE GROUP 022</td>
<td>0</td>
<td>56</td>
<td>0.0%</td>
<td>35</td>
<td>15</td>
<td>11</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>ABSENTEE GROUP 023</td>
<td>0</td>
<td>178</td>
<td>0.0%</td>
<td>102</td>
<td>52</td>
<td>41</td>
<td>25</td>
<td>33</td>
</tr>
<tr>
<td>ABSENTEE GROUP 025</td>
<td>0</td>
<td>84</td>
<td>0.0%</td>
<td>51</td>
<td>16</td>
<td>5</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>ABSENTEE GROUP 027</td>
<td>0</td>
<td>41</td>
<td>0.0%</td>
<td>68</td>
<td>29</td>
<td>24</td>
<td>19</td>
<td>15</td>
</tr>
<tr>
<td>ABSENTEE GROUP 028</td>
<td>0</td>
<td>134</td>
<td>0.0%</td>
<td>92</td>
<td>31</td>
<td>23</td>
<td>19</td>
<td>26</td>
</tr>
<tr>
<td>ABSENTEE GROUP 029</td>
<td>0</td>
<td>608</td>
<td>0.0%</td>
<td>387</td>
<td>169</td>
<td>143</td>
<td>84</td>
<td>102</td>
</tr>
<tr>
<td>ABSENTEE GROUP 044</td>
<td>0</td>
<td>113</td>
<td>0.0%</td>
<td>68</td>
<td>30</td>
<td>19</td>
<td>21</td>
<td>24</td>
</tr>
<tr>
<td>ABSENTEE GROUP 045</td>
<td>0</td>
<td>65</td>
<td>0.0%</td>
<td>44</td>
<td>16</td>
<td>27</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>ABSENTEE GROUP 046</td>
<td>0</td>
<td>8</td>
<td>0.0%</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>ABSENTEE GROUP 047</td>
<td>0</td>
<td>190</td>
<td>0.0%</td>
<td>115</td>
<td>34</td>
<td>44</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>ABSENTEE GROUP 048</td>
<td>0</td>
<td>57</td>
<td>0.0%</td>
<td>26</td>
<td>4</td>
<td>12</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>AIRPORT 2B</td>
<td>MB</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CASWEEL 6A</td>
<td>MB</td>
<td>0</td>
<td>16.9%</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>CERES 11</td>
<td>MB</td>
<td>147</td>
<td>30</td>
<td>20.4%</td>
<td>14</td>
<td>9</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>COFFEE 2B</td>
<td>MB</td>
<td>0</td>
<td>90.0%</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>EMPIRE 5A</td>
<td>MB</td>
<td>44</td>
<td>15</td>
<td>37.5%</td>
<td>10</td>
<td>1</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>EMPIRE 7A</td>
<td>MB</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>EMPIRE 7B</td>
<td>MB</td>
<td>74</td>
<td>0</td>
<td>12.1%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MODESTO 3</td>
<td>MB</td>
<td>34</td>
<td>8</td>
<td>26.4%</td>
<td>7</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>MODESTO 5A</td>
<td>MB</td>
<td>47</td>
<td>4</td>
<td>8.5%</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MODESTO 25B</td>
<td>MB</td>
<td>63</td>
<td>10</td>
<td>15.8%</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>MODESTO 26B</td>
<td>MB</td>
<td>65</td>
<td>12</td>
<td>20.0%</td>
<td>12</td>
<td>9</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>MODESTO 62A</td>
<td>MB</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MODESTO 83A</td>
<td>MB</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MODESTO 87A</td>
<td>MB</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MODESTO 92</td>
<td>MB</td>
<td>18</td>
<td>3</td>
<td>16.6%</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>PARADISE 1A</td>
<td>MB</td>
<td>4</td>
<td>1</td>
<td>25.0%</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>PARADISE 2A</td>
<td>MB</td>
<td>11</td>
<td>6</td>
<td>54.5%</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>PARADISE 2A</td>
<td>MB</td>
<td>148</td>
<td>18</td>
<td>12.5%</td>
<td>7</td>
<td>10</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>PARADISE 5A</td>
<td>MB</td>
<td>80</td>
<td>9</td>
<td>11.2%</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>PARADISE 9</td>
<td>MB</td>
<td>21</td>
<td>11</td>
<td>52.3%</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>PARADISE 12</td>
<td>MB</td>
<td>9</td>
<td>2</td>
<td>22.2%</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

---

**TOTALS**

15379 | 6157 | 6907 | 4263 | 3192 | 11077 | 5339 | 10663

23% 93% 66% 67% 47% 91% 14% 70%
MODESTO CITY COUNCIL
RESOLUTION NO. 91-677

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 67-524
ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-PD(32)" TO CONVERT OWNERSHIP
STATUS FROM A GENERAL PARTNERSHIP TO INDIVIDUALLY OWNED
OFFICE AIRSPACE CONDOMINIUMS. (DONNEY PARK PROFESSIONAL
CENTER)

WHEREAS, the City Council, by Ordinance No. 837-C.S., which was
introduced on June 26, 1967, finally adopted on July 10, 1967, and which
became effective on August 9, 1967, amended Section 21-3-9 of the Zoning Map
to prezone to Planned Development Zone, P-PD(32), to allow a twenty-four (24)
medical and dental and allied healing arts office facilities, a pharmacy, and
approximately one hundred fifty-seven (157) parking spaces, property located
on the west side of Coffee Road, south of Gloria Way, and

WHEREAS, City Council Resolution No. 67-524, which was adopted on
June 26, 1967, approved a development plan for P-PD(32) to allow a twenty-four
(24) medical and dental and allied healing arts office facilities, a pharmacy,
and approximately one hundred fifty-seven (157) parking spaces, property
located on the west side of Coffee Road, south of Gloria Way, and contained
the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned
Development Zone, P-D(32) was filed by Downey Park Professional Center on
July 22, 1991, to convert ownership status from a General Partnership to
individually owned office airspace condominiums, property located on the west
side of Coffee Road, west of Downey Park at 1213 Coffee Road, and

WHEREAS, after a public hearing held on September 23, 1991, in the
City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was
found and determined by the Planning Commission, by its Resolution No. 91-55, that an amendment to P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D zone amendment will allow a condominium type of ownership rather than a single ownership with or without rental tenancy.

2. The development plan is identical to that which has already been developed as P-D(32.)

and

WHEREAS, the requested amendment to P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums was set for a public hearing before the City Council at its regular meeting place on November 12, 1991, and

WHEREAS, after said public hearing held on November 12, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Downey Park Professional Center to amend P-D(32) to convert ownership status from a General Partnership to individually owned office airspace condominiums, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-55 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 67-524 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-PD(32)" is hereby amended to read as follows to convert ownership status from a General Partnership to individually owned office airspace condominiums:
"SECTION 1. DEVELOPMENT PLAN. The development plan for the
air-space condominium units portion of P-D(32), is hereby approved subject to
the following conditions:

1. All development shall conform to the plot plan and floor plans
titled "P-D(32) Condominium Conversion - The Downey Park Profes-
sional Center" as amended in red, stamped approved by the

2. All landscaping, fences, and walls shall be maintained and the
premises shall be kept free of weeds, trash, and other debris.

3. Street dedication consistent with Standard Specifications shall
be made prior to the issuance of a building permit or at any
time requested by the Public Works and Transportation Director
to alleviate a health, safety, or traffic problem in the area.

4. Street improvements consistent to Standard Specifications shall
be provided prior to the occupancy of any structures or when
requested by the Public Works and Transportation Director to
alleviate a health, safety, or traffic problem in the area.

5. Prior to issuance of a building permit, improvement plans for
required improvements shall be prepared by a registered civil
engineer and approved by the Public Works and Transportation
Director. Improvements shall be constructed in accordance with
the approved plans.

6. Prior to issuance of a building permit the developer shall
dedicate public utility easements as required by the utility
companies and the Public Works and Transportation Director.

7. Irrigation lines shall be removed, relocated, or protected as
required by the Modesto Irrigation District and the Public
Works and Transportation Director. Easements for irrigation
lines to remain shall be dedicated.

8. All outdoor lighting shall be shielded from adjacent
residential properties as required by the Public Works and
Transportation Director.

9. No operations conducted on the premises shall cause an
unreasonable amount of noise, odor, dust, mud, smoke,
vibration, or electrical interference detectable off the
premises. All machinery or equipment shall be soundproofed as
required by the Public Works and Transportation Director.
10. All signs shall comply with the sign requirements of the P-O Zone.

11. Prior to sale of a condominium unit, a final parcel map shall be recorded.

12. Prior to recordation of a final parcel map, the developer shall obtain certification from the Chief Building Official that all construction conforms to all building and fire safety standards for condominiums established by the Chief Building Official.

13. Prior to recordation of a final parcel map, the developer shall obtain certification from the Parks and Recreation Director that the landscaping and irrigation system generally conform to City standards and/or any previously approved plans.

14. All conditions of Planning Commission Resolution No. 67-52 not in conflict with this action shall remain in full force and effect.

15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Planning and Community Development Department.

16. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

17. That prior to City Council approval of a final parcel map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Officeowners' Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final parcel map.

18. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through
office units to serve other office units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

19. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final parcel map."

BE IT FURTHER RESOLVED that all of the other provisions of Council Resolution No. 67-524, not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(32)
PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, WEST OF
DOWNEY PARK AT 1213 COFFEE ROAD. (DOWNEY PARK
PROFESSIONAL CENTER)

WHEREAS, on November 12, 1991, the City Council introduced
Ordinance No. 2794-C.S. giving approval to a project relating to an
amendment to Planned Development Zone, P-D(32), property located on the west
side of Coffee Road, west of Downey Park at 1213 Coffee Road, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a negative declaration in regard to the
environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Director of Planning and Community Development of the City of Modesto
is hereby directed to file or cause to be filed with the Stanislaus County
Clerk a Notice of Determination in regard to the environmental impact of the
subject project relating to an amendment to Planned Development Zone, P-D(32),
property located on the west side of Coffee Road, west of Downey Park at 1213
Coffee Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-678

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Johansen High School pedestrian overcrossing copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 10, 1991 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-679

A RESOLUTION AUTHORIZING CITY STAFF TO RESEARCH AND APPLY FOR HOUSING FUNDS UNDER THE NEW HOME/HOPE PROGRAMS OF THE 1990 AFFORDABLE HOUSING ACT.

WHEREAS, the 1990 Affordable Housing Act proposed two new programs called HOME and HOPE (Homeownership and Opportunity for People Everywhere), and

WHEREAS the HOME program is geared toward rehabilitation rather than new construction, although new construction is allowed in certain circumstances, and

WHEREAS, although HOME regulations have not yet been finalized, the City needs to make preparations now as certain statutory deadlines will have to be met by participating jurisdictions, and

WHEREAS, the program is a matching funding program, and

WHEREAS, the City of Modesto appears to be eligible for $712,000 and will have to make arrangements to obtain an additional $38,000 from the State's allotment or from local non-Federal funds to equal $750,000 in order to qualify to participate in the program, and

WHEREAS, the HOPE program is geared mainly to increase low income homeownership, including encouraging Public Housing tenants to buy and manage their housing units, and

WHEREAS, the City has received information on HOPE III which authorizes grants to local governments, in conjunction with non-profit organizations, to help families become first time homebuyers, and

WHEREAS, HUD is planning training sessions on HOPE III now,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to research and make the necessary arrangements to participate in the HOME/HOPE programs, if the City is determined to be eligible for said programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-680

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICK AND JODY LARA FOR THE LEASE OF LAND ON THE MODESTO TRANSPORTATION CENTER SITE

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Rick and Jody Lara for the lease of land on the Modesto Transportation Center site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-681

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR
PROPOSALS FOR A LIMOUSINE CONCESSION AT THE MODESTO
CITY-COUNTY AIRPORT.

WHEREAS, as part of the terminal expansion at the Modesto
City-County Airport, one counter area has been provided for a commercial
limousine service, and

WHEREAS, while the Modesto City-County Airport can handle many
limousine service vendors in terms of the total vehicle parking spaces at the
airport, there is only room for one vendor counter, and

WHEREAS, since there have been several inquiries for the available
counter space within the terminal, staff feels the best way to seek a
commercial limousine vendor to utilize space available is with a Request for
Proposals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes City staff to issue a request for proposals for a
limousine concession at the Modesto City-County Airport.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-682

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR HANGAR NO. 4 AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, Hangar No. 4 at the Modesto City-County Airport was occupied by Donald La Tourette for many years and was used as a private storage hangar for most of that time, and

WHEREAS, Mr. La Tourette recently passed away and his heirs have not elected to continue to rent the hangar, and

WHEREAS, City staff feels Hangar No. 4 should be made available for a commercial operation, and

WHEREAS, since there have been several inquiries by existing operators at the Modesto City-County Airport to use this hangar and by outside parties interested in starting an operation at the airport, City staff feels the best way to lease Hangar No. 4 is with a Request for Proposals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for Hangar No. 4 at the Modesto City-County Airport.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-683

A RESOLUTION ACCEPTING RIGHT OF ENTRY FROM ALTA PACIFIC HOUSING PARTNERS II FOR A RIGHT OF ENTRY ONTO PROPERTY NEEDED FOR THE CLAUS ROAD OVERCROSSING

WHEREAS, as a result of the construction of Johansen High School and the conversion of Claus Road from a major street to an expressway, a decision has been made to construct a pedestrian overcrossing; and

WHEREAS, one of the properties needed for this project is a lot owned by Alta Pacific Housing Partners II located at the southwest corner of Creekside Drive and Claus Road.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the right of entry from Alta Pacific Housing Partners II for a right of entry onto property needed for the Claus Road overcrossing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said right of entry by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUNE C. HALL, Acting City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. CARNABUCI AND SANTO A. CARNABUCI dba NIBBLES FOR THE LEASE OF THE SNACK BAR AREA AT THE NEW AIRPORT TERMINAL

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles J. Carnabuci and Santo A. Carnabuci dba Nibbles, for the lease of the snack bar area at the new Airport terminal be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November , 1991, by Councilmember Bird , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-686  

A RESOLUTION APPROVING AN EASEMENT DEED TO PACIFIC BELL OVER A 5-FOOT STRIP OF LAND LOCATED AT THE NORTH END OF FLOYD NO. 2 PARK SITE FOR AN EXISTING UNDERGROUND TELEPHONE CABLE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement deed to Pacific Bell, over a 5-foot strip of land located at the north end of Floyd No. 2 Park site for an existing underground telephone cable be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement deed by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HILL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO FORMALLY ADOPTING PROCEDURES FOR THE IMPLEMENTATION OF AN EMERGENCY RESPONSE COST RECOVERY PROGRAM.

WHEREAS, it is the policy of the City of Modesto to discourage the operation of motor vehicles while under the influence of alcohol and/or drugs, and

WHEREAS, it is the policy of the City of Modesto to encourage careful and responsible conduct by persons operating motor vehicles, and

WHEREAS, negligent driving under the influence of alcohol and/or drugs is intentional wrongful conduct, and

WHEREAS, intentional wrongful conduct by persons who operate motor vehicles imposes a burden upon City services above and beyond the regular services normally required for traffic law enforcement, and

WHEREAS, persons who willfully conduct themselves in any manner which imposes an extraordinary burden on the public treasury should bear a share of that burden, and

WHEREAS, the City of Modesto wishes to implement a Negligent Driving Under the Influence and Intentionally Wrongful Conduct Emergency Response Cost Recovery Program (hereinafter "Program") pursuant to Section 200 of the Modesto City Charter and/or in accordance with California Government Code sections 53150-53158 which allows for the collection of emergency response costs against:

1. Any person whose negligent operation of a motor vehicle, boat or vessel or civil aircraft while under the influence of an alcoholic beverage or drug proximately causes any incident resulting in an emergency response by the City Police or Fire Department; and
2. Any person whose intentionally wrongful conduct while in the operation of a motor vehicle, boat or vessel or civil aircraft proximately causes any incident resulting in an emergency response by the City Police or Fire Department; and

WHEREAS, the Council finds that the Program is of the utmost importance to the promotion of the general welfare and safety of the people of Modesto because it is designed and intended to encourage safe driving by requiring such persons to pay part of the cost to the City of responding to incidents caused by their intentionally wrongful conduct.

NOW, THEREFORE, the City Council of the City of Modesto does hereby resolve as follows:

Section 1. The City Council hereby approves the Program in accordance with Section 200 of the Modesto City Charter and/or the provisions of California Government Code sections 53150-53158.

Section 2. The City Council further adopts the following procedures to implement the Program:

A. A motorist arrested for driving under the influence of alcohol and/or drugs (DUI) will be billed if any of the following criteria are met:

1. Driving under the influence of alcohol and/or drugs as evidenced by objective symptoms observed by the arresting officer and a complaint is filed through the appropriate District Attorney's Office charging the driver with an alcohol or drug related Vehicle Code violation; and

2. Negligent operation of a motor vehicle is evidenced by either an accident or the commission of a moving violation as defined under sections 21100 et seq.; and
3. The incident evidenced by an accident or a moving violation was proximately caused by driving under the influence of alcohol and/or drugs; and

4. The incident necessitated an emergency response, which entailed the use of emergency equipment by Police or Fire units responding to the incident.

B. A motorist arrested for other criminal acts resulting from intentionally wrongful conduct while operating a motor vehicle will be billed if one or more of the following criteria is met:

1. A motor vehicle was operated with the apparent intent to injure another person(s) or property, or

2. A motorist attempts to evade arrest for acts involving operation of a motor vehicle with conduct intended to injure another person or property, or

3. A motorist rammed or threatened to ram police vehicles or property in the course of attempting to evade arrest.

C. The City will bill motorists for costs to the City of the emergency response; including laboratory fees, costs of repairing or replacing City property damaged or destroyed due to the person's conduct; and the hourly salary and fringe benefit costs of emergency and support personnel prorated for the time it takes to complete the emergency response.

D. The City will treat the emergency response costs as a civil debt of that person which is collectible by the City in the same manner as a contract obligation. Therefore, the City need not wait until there is a conviction before billing the motorist.
E. If the emergency response cost bill is not paid within thirty (30) days after the initial bill is mailed by the City or no arrangements are made for partial payment during the thirty (30) day period, then the bill will be considered delinquent.

F. If a motorist refuses to pay the City, the City may pursue recovery in Small Claims Court. This action will not be initiated until after the criminal charges have been adjudicated.

G. As an alternative, in all appropriate cases, the City will seek to have payment of the bill imposed as a condition of probation.

H. If the motorist who has paid an emergency response cost recovery bill is acquitted of criminal charges after trial, the City will allow for reimbursement.

I. Any person receiving a bill has the right to appeal the bill to the Program Manager. The Program Manager shall be a police officer appointed by the Chief of Police to administer the Program. The Program Manager will review the bill for accuracy. If the bill is found to be in error, then the bill will be corrected, or, if appropriate, rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-688

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Services to provide homeless transitional housing counseling be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Trizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-689

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD to lease with option to purchase, a single family home for homeless transitional housing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A resolution restating terms of office and procedures for the citizens housing and community development committee by renaming three specialized committees, and superseding resolution no. 89-874.

Whereas, the City Council has established citizens committees thereof to advise the Council on the City's Housing and Community Development Act (HCDA) Program, and

whereas, terms of office and other procedures for said committees thereof are specified, and

whereas, the Council desires to rename three specialized committees,

Now, therefore, be it resolved by the Council of the City of Modesto as follows:

A. Committee Titles and Roles.

The Committee titles and roles hereinafter stated are hereby established.

1. Title: Citizens Housing and Community Development Committee

Role: To provide overall review and make recommendations to the City Council regarding the City's HCDA program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and committee effectiveness; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.
2. **Title:** Housing Maintenance and Counseling Committee  
   **Role:** To develop the Housing Maintenance Program, especially the procedural manual including administrative procedures and policies; to develop a relocation program including provisions for emergency housing; to develop a counseling program; to monitor and evaluate these housing maintenance and counseling efforts; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

3. **Title:** Housing Rehabilitation Loan Committee  
   **Role:** To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

4. **Title:** Economic Development Loan Committee  
   **Role:** To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.
B. Committee Membership Composition and Terms

Committee membership composition and terms of office shall be as follows:

1. Terms of Office
   a. There shall be a two term maximum for any person.
   b. Full terms shall be four years.
   c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

   All regular Committee members shall be appointed by the City Council. The two alternate members of the Housing Rehabilitation Loan Committee shall be appointed as follows:

   Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Housing Rehabilitation Loan Committee.

   Alternate Seat No. 9 - A member of the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County and the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of Housing Rehabilitation Loan Committee.
a. Citizens Housing and Community Development Committee

Seat No. 1 - City Council Member
Seat No. 2 - Citizen at Large
Seat No. 3 - Board of Supervisors Member
Seat No. 4 - Planning Commissioner
Seat No. 5 - Human Rights Commissioner or Citizen at Large
Seat No. 6 - Citizen at Large
Seat No. 7 - Citizen at Large
Seat No. 8 - Chairperson, Housing Maintenance and Counseling Committee
Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
Seat No. 10 - Chairperson, Neighborhood Advisory Committee #3
Seat No. 11 - Chairperson, Economic Development Loan Committee

b. Housing Maintenance and Counseling Committee

Seat No. 1 - City Council Member
Seat No. 2 - Planning Commissioner
Seat No. 3 - Human Rights Commissioner or Citizen at Large
Seat No. 4 - Provider of Shelter
Seat No. 5 - Provider of Services
Seat No. 6 - Provider of Services or Program User
Seat No. 7 - Provider of Services or Program User

c. Housing Rehabilitation Loan Committee

Seat No. 1 - City Council Member
Seat No. 2 - Human Rights Commissioner or Citizen at Large
Seat No. 3 - Financial Institution or Provider of Services
Seat No. 4 - Citizen at Large
Seat No. 5 - Representative of Financial Institutions
Seat No. 6 - Provider of Shelter or Services
Seat No. 7 - Provider of Services or Program User
Seat No. 8 - Alternate, Citizens Housing and Community Development Committee
Seat No. 9 - Alternate, Housing Authority of Stanislaus County

d. Economic Development Loan Committee

Seat No. 1 - Council Member
Seat No. 2 - Commercial Financial Institution
a. Citizens Housing and Community Development Committee

Seat No. 1 - City Council Member
Seat No. 2 - Citizen at Large
Seat No. 3 - Board of Supervisors Member
Seat No. 4 - Planning Commissioner
Seat No. 5 - Human Rights Commissioner or Citizen at Large
Seat No. 6 - Citizen at Large
Seat No. 7 - Citizen at Large
Seat No. 8 - Chairperson, Housing Maintenance and Counseling Committee
Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
Seat No. 10 - Chairperson, Neighborhood Advisory Committee #3
Seat No. 11 - Chairperson, Economic Development Loan Committee

b. Housing Maintenance and Counseling Committee

Seat No. 1 - City Council Member
Seat No. 2 - Planning Commissioner
Seat No. 3 - Human Rights Commissioner or Citizen at Large
Seat No. 4 - Provider of Shelter
Seat No. 5 - Provider of Services
Seat No. 6 - Provider of Services or Program User
Seat No. 7 - Provider of Services or Program User

c. Housing Rehabilitation Loan Committee

Seat No. 1 - City Council Member
Seat No. 2 - Human Rights Commissioner or Citizen at Large
Seat No. 3 - Financial Institution or Provider of Services
Seat No. 4 - Provider of Shelter or Program User
Seat No. 5 - Representative of Financial Institutions
Seat No. 6 - Provider of Shelter or Services
Seat No. 7 - Provider of Services or Program User
Seat No. 8 - Alternate, Citizens Housing and Community Development Committee
Seat No. 9 - Alternate, Housing Authority of Stanislaus County

d. Economic Development Loan Committee

Seat No. 1 - Council Member
Seat No. 2 - Commercial Financial Institution
C. Chairperson and Vice Chairpersons

1. Chairpersons for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be elected by the respective committees.

3. Full terms of office of Chairpersons and Vice Chairpersons of the committees shall be four years commencing on July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four persons each for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee.
3. The Housing Rehabilitation Loan Committee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Committee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Committee quorum.

E. Staff

The Department of Planning and Community Development shall provide staff support for the Housing and Community Development Act Committees and coordinate assistance from other city departments.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 89-874 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-691

A RESOLUTION APPROVING A NEW COMMUNITY DEVELOPMENT BLOCK GRANT POLICY STATEMENT ON FUNDING PRIORITIES BY SUPERSEDDING POLICY NO. 4.025 ESTABLISHED BY RESOLUTION NO. 87-83.

WHEREAS, the City Council requested staff to prepare a new policy statement for Council action on funding priorities for the Community Development Block Grant (CDBG) program, following the comments of some nonprofit organizations on the 1991-92 CDBG application process, and

WHEREAS, some non-profit organizations have requested that the City predetermine CDBG eligible activities prior to applications for funding being submitted, and

WHEREAS, Housing and Urban Development (HUD) does not allow the City of Modesto to predetermine CDBG ineligible activities, and

WHEREAS, HUD requires us to provide our citizens with information on the amount of CDBG funds available, what activities are eligible, and the process to apply for these funds, and

WHEREAS, the City must hear comments and views from our citizens on the uses of CDBG funds and must allow requests for funding for any CDBG eligible activity, and has the right to decide how CDBG funds are distributed, and

WHEREAS, the Citizens Housing and Community Development Committee discussed the funding policy at their meeting on November 1, 1991, and determined to recommend the attached policy statement to the City Council for their approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Community Development Block Grant Policy Statement of Funding Priorities.

BE IT FURTHER RESOLVED that Policy No. 4.025 established by Resolution No. 87-83 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
The City of Modesto intends to allocate the Community Development Block Grant (CDBG) and income generated by loan repayments to sustain activities that support the primary objective of Title I of the 1974 Housing and Community Development Act:

"the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low and moderate income."

CDBG funds are used primarily for neighborhood revitalization and preserving the existing housing stock by rehabilitation of substandard houses in areas with a majority of low income residents. The Housing Maintenance Program has been underway in the Westside Target Area #3, with 1204 dwelling units in Census Tracts 17 and 22, since 1980. Completion of the remaining units in Target Area #3 is a long range objective of the City and the largest segment of CDBG funds will be allocated here.

The City of Modesto invests CDBG funds in rehabilitating houses owned and occupied by low and very low income persons on a citywide basis.

CDBG funds help to create jobs for low income Modesto residents through a small business Revolving Loan Fund.

The City of Modesto uses CDBG funds to make public facilities accessible to handicapped/disabled persons.

The City of Modesto regards CDBG funds as an opportunity to provide physical improvements to houses, structures and facilities, that will allow their continued and extended use by low income City residents, and will allocate CDBG funds to these City programs as the highest priority.

The City of Modesto has funded eligible public service activities of non-profit organizations that are within the community development objectives of the City, and, in accordance with Federal regulations, allows application for CDBG funds from all eligible organizations as a lower priority.

Requests for funding through the CDBG program shall be accepted and considered only through the Citizen Participation Plan during the CDBG application process each year.

11/4/91
MODESTO CITY COUNCIL
RESOLUTION NO. 91-692

A RESOLUTION WAIVING THE ROCKWELL MAINTENANCE FEES AND ENCROACHMENT PERMIT FEES FOR THE INSTALLATION OF FOUR (4) ROCKWELLS IN THE VAN GOGH DRIVE AREA BY ZAGARIS MANAGEMENT SERVICES.

WHEREAS, Zagaris Management Services has offered to construct four (4) new rockwells in the Van Gogh Drive area to reduce storm water ponding during more intense storm events, and

WHEREAS, while existing rockwells generally drain in a time considered acceptable for maintenance purposes (approximately 8 hours for a 1-inch storm), the grades of Van Gogh Drive are such that unacceptably deep ponding occurs in this area during more intense storm events, and

WHEREAS, Zagaris Management Services is willing to pay construction costs for these four (4) rockwells but has requested that the City waive rockwell maintenance fees and encroachment permit fees, and

WHEREAS, City staff estimates there is no net cost to the City for this action since the estimated construction cost of the rockwells to be accepted by the City exceed the value of the fees to be waived, and

WHEREAS, City staff anticipates that it will recommend the elimination of the rockwell maintenance fee for all new rockwells in January 1992 since this fee will be collected as a portion of the Storm Drain Surcharge,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby concurs with City staff to waive the rockwell maintenance fees and encroachment permit fees for installation of four (4) rockwells in the Van Gogh Drive area.
BE IT FURTHER RESOLVED that the Council hereby concurs with City staff recommendation to eliminate the rockwell maintenance fees for all new rockwells in January 1992 since this fee will be collected as a portion of the Storm Drain Surcharge.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPOINTING MEMBER OF THE MODESTO YOUTH COMMISSION (JENNIFER REED)
TERM TO EXPIRE JUNE 1992

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Modesto Youth Commission for the respective term as indicated:

Jennifer Reed – Modesto High School
Term to expire June of 1992

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Modesto Youth Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November , 19 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY Y. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-694

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION, TERMS TO EXPIRE JUNE OF 1993

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby appointed to the Modesto Youth Commission for the respective term as indicated:

- Heather Ludlow - Beyer High School
- Jane Presto - Central Catholic High School
- Jenny Chang - Davis High School
- Erin McDaniel - Downey High School
- Becky Langum - Modesto Christian High School
- Barbara Roll - Modesto High School

Terms to expire June of 1993

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTTEST: JUDY C. WALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-695

A RESOLUTION REAPPOINTING LEE HAMPSON AND LOWELL CLARK TO THE BOARD OF
GOVERNORS OF THE GREATER MODESTO COMMUNITY FOUNDATION

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby reappointed to the
Board of Governors of the Greater Modesto Community Foundation for the
respective term as indicated:

Lee Hampson and Lowell Clark

Terms to expire December 31, 1996

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the reappointed members of the Board of Governors
of the Greater Modesto Community Foundation and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 12th day of November, 1991,
by Councilmember Muratore, who moved its adoption, which motion being
duly seconded by Councilmember Bird, was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry,
Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION REAPPOINTING MEMBERS OF THE PLANNING COMMISSION (JESSE ALEXANDER AND JEFF GROVER)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons are hereby reappointed to the Planning Commission for the respective term as indicated:

Jesse Alexander and Jeff Grover
Terms to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Planning Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY L. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-697

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT
(LEOPOLD PRESCOTT)

WHEREAS, Section 1102 of the Charter of the City of Modesto
authorizes the City Council to appoint members to various Boards and
Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. The following person is hereby appointed to the
Board of Zoning Adjustment for the respective
term as indicated:

Leopold Prescott

Term to expire 1/1/96

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the newly appointed member of the Board
of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 12th day of November
1991, by Councilmember Dobbs, who moved its adoption,
which motion being duly seconded by Councilmember Friedman, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
          JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-698

A RESOLUTION APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD (DAVID BORING)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed to the Downtown Improvement District Advisory Board for the respective term as indicated:

David Boring
Term to expire 3/28/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Downtown Improvement District Advisory Board and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy L. Hall, Acting City Clerk
MOSEDO CITY COUNCIL
RESOLUTION NO. 91-699

A RESOLUTION APPOINTING DON JORDAN AS CHAIRPERSON OF REHABILITATION LOAN POOL SUBCOMMITTEE AND AS RLPS CHAIR (SEAT #9) ON THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, TERM TO EXPIRE JUNE 30, 1995

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed as Chairperson of Rehabilitation Loan Pool Subcommittee and as RLPS Chair (Seat #9) on the Citizens Housing and Community Development Committee:

Don Jordan

Term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new member on the Rehabilitation Loan Pool Subcommittee and Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTES:

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-700

A RESOLUTION APPOINTING DUANE FAGER AS CHAIRPERSON OF ECONOMIC DEVELOPMENT LOAN POOL SUBCOMMITTEE AND AS EDLPS CHAIR (SEAT #11) ON THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, TERM TO EXPIRE JUNE 30, 1995

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following person is hereby appointed as Chairperson of Economic Development Loan Pool Subcommittee and as EDLPS Chair on the Citizens Housing and Community Development Committee:

Duane Fager
Term to expire 6/30/95

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new member on the Economic Development Loan Pool Subcommittee and Citizens Housing and Community Development Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-701

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(487). (MATTHEWS/FABIAN)

WHEREAS, a verified application for an amendment to Section 31-3-9
of the Zoning Map was filed by Carolyn Matthews and Frederick Fabian on
July 29, 1991, to reclassify from Low Density Residential Zone, R-1, to
Planned Development Zone, P-D, to allow a senior housing project, property
located on the north side of Chicago Avenue between Frankette and Florette
Avenues west of Paradise Road, described as follows:

R-1 to P-D(487)

All that certain real property situate in a portion of the southeast
quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus,
State of California, described as follows:

All of the western 118.00 feet of Lot 17 and the eastern 122.00 feet
of the southern 126.00 feet of Lot 20 of Brichman's addition to the
City of Modesto, according to the official map thereof, filed in the
office of the Recorder of Stanislaus County, California, on October

Including also all of 60.00 foot wide Chicago Avenue located
immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on October 7, 1991, in the City
Council Chambers, City Hall, 801 11th Street, Modesto, California, it was
found and determined by the Planning Commission, by its Resolution No. 91-64,
that rezoning of the property as requested is required by public necessity,
convenience, and general welfare for the following reasons:

1. The proposed P-D Zone conforms to a principal of the General
Plan of providing for the diverse housing needs of the
community by allowing a variety of housing types in all
neighborhoods.
2. The revised plans for the elderly housing project assure that the dwelling structures will be compatible with the adjoining low-density residential areas.

and

WHEREAS, after a public hearing held on November 19, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Carolyn Matthews and Frederick Fabian for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-64 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2795-C.S. on the 19th day of November, 1991, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(487).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(487), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "49 units (two-story) Affordable Senior Housing" as amended in red, stamped approved by the Planning Commission on October 7, 1991.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the east and west property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
a. Six-foot-high (6') wood fence with decorative masonry pilasters at 16 foot on centers along the entire periphery except public street frontages. Solid alternating board construction shall be employed adjoining all parking areas.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication for both Jeelu Way and Chicago Avenue, consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

8. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

10. All utilities shall be underground and cable television service shall be stubbed into all units.

11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

12. All signs shall comply with the sign requirements of the R-3 Zone.

13. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any
proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

14. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

15. Prior to issuance of a building permit for the elderly housing facilities, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income household and other incentives as required by Chapter 3 of Title X of the Modesto Municipal Code.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(487):

The entire construction program be accomplished in one phase, construction to begin on or before October 7, 1993, and completion to be not later than October 7, 1994.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(487), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By

JUDY C. HALL, Acting City Clerk

Department of Planning and Community Development
MODESTO CITY COUNCIL
RESOLUTION NO. 91-702

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION
MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO
P-D(487). (MATTHEWS/FABIAN)

WHEREAS, on November 19, 1991, the City Council introduced
Ordinance No. 2795—C.S. giving approval to a project relating to an
amendment to Section Map 31-3-9 of the Zoning Map of the City of Modesto to
reclassify from Low Density Residential Zone, R-1, to Planned Development
Zone, P-D(487), property located on the north side of Chicago Avenue between
Frankette and Florette Avenues west of Paradise Road, and

WHEREAS, the City Council certifies that at said Council meeting it
reviewed and considered the findings of the City of Modesto Environmental
Assessment Committee which resulted in a negative declaration in regard to the
environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to an amendment to Section Map 31-3-9 of the Zoning Map of
the City of Modesto to reclassify from Low Density Residential Zone, R-1, to
Planned Development Zone, P-D(487), property located on the north side of
Chicago Avenue between Frankette and Florette Avenues west of Paradise Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-703

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, TO PROVIDE FOR THE DEFERRED PAYMENT OF CAPITAL FACILITIES FEES.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code sections 8-1.904, et seq., creating and establishing the authority for imposing and charging capital facilities fees, and

WHEREAS, the current capital facilities fees are set forth in Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90, and

WHEREAS, on June 11, 1991, the Public Projects Committee of the City Council recommended to the City Council that the City's Capital Facilities Fee Program be amended to provide for the deferred payment of capital facilities fees in certain cases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that paragraph 3 of Resolution No. 91-90 is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:

(1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.

(2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by...
the United States Department of Housing and Urban Development.

(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

(4) Any alteration or addition to a residential structure, except to the extent that additional units are created.

(5) Any replacement or reconstruction of an existing residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished except to the extent that additional units are created.

(6) Any replacement or reconstruction of an existing non-residential structure that has been destroyed or demolished provided that the building permit for reconstruction is obtained within two (2) years after the building was destroyed or demolished unless the replacement or reconstruction increases the square footage of the structure ten percent (10%) or more, changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends.

(b) Whenever the alteration, addition, replacement or reconstruction is not exempt pursuant to the provisions hereinabove, the fee shall be imposed only on the additional units, change in use, or additional trips generated.

(c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

(1) There shall be two categories of qualified projects defined as follows:

(a) Category A qualified projects shall include any nonresidential project (except industrial/
warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

(b) Category B qualified projects shall include any nonresidential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $50,000.00.

(2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed $5,000.

(3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten (10%) percent of those fees at the time the building permit is issued with the remaining ninety (90%) percent to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a deferred payment agreement with the City to pay 20% of those fees at the time the building permit is issued with the remaining 80% to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and
interest shall be provided for the duration of the
deferral. The terms and conditions of the deferral
shall be set forth in an agreement which shall also
provide that the unpaid balance of the fee shall be
due and payable on the sale or transfer of the
property. As an alternative to providing the
irrevocable letter of credit, the agreement may, at
the option of the property owner/developer, authorize
the City to lien the property and collect the balance
of the capital facilities fees due through property
tax assessment.

(4) For those projects where a mitigated negative
declaration or an EIR has been certified, no CFF
deferral shall be allowed to the extent that one or
more of the mitigation measures consists of payment
of CFF or the construction or installation of a
public improvement, the cost of which is eligible as
a credit toward the payment of CFF.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 19th day of November,
1991, by Councilmember Muratore, who moved its adoption, which motion
being duly seconded by Councilmember Irizarry, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-704

A RESOLUTION GRANTING THE APPEAL OF AJMER GILL TO CITY STAFFS' DECISION CONCERNING CAPITAL FACILITIES FEES FOR A STOP AND SHOP FOOD AND BEER MINI MART IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 2419 COFFEE ROAD, AND UPHOLDING CITY STAFFS' RECOMMENDATION TO ADMINISTRATIVELY MODIFY THE STREETS FEE CATEGORY FOR CONVENIENCE MARTS.

WHEREAS, in or about 1970 the building located at 2419 Coffee Road was built for a Quick Stop Market and was used as such for a period of approximately ten years, and

WHEREAS, from approximately 1980 until June of 1991, the building at the above location was used as a paint store, and

WHEREAS, Ajmer Gill has made application to the City to convert the use of the building to that of a convenience mart, and

WHEREAS, City staff has determined that Capital Facilities Fees (CFF) for the proposed "Stop and Shop Food and Beer" Mini Mart are $49,946.20, and

WHEREAS, said CFF fee allows a credit to the business of $10,531.40 for the previous use of a paint store as opposed to the CFF of $60,495.60 for a convenience mart thereby resulting in a CFF fee of $49,946.20 for the proposed convenience mart, and

WHEREAS, by letter dated October 16, 1991, Ajmer Gill appealed the decision of City staff relating to the calculation of CFF fees for the proposed convenience mart and requested a reduction of said CFF fees, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m., and was
thereafter continued for hearing to November 12, 1991, at 4:00 p.m., and
thereafter continued for hearing to November 19, 1991, at 7:30 p.m. in the
Council Chambers in the City Hall, 801 11th Street, Modesto, and

WHEREAS, City staff had previously calculated the CFF fees for
applicant's proposed convenience mart on the basis of the only existing
convenience mart category, and

WHEREAS, at said meeting, after hearing evidence both oral and
documentary, the Council of the City of Modesto found and determined that it
would be appropriate to have two categories relating to convenience markets,
one category for convenience markets with gas pumps and one category for
convenience markets without gas pumps, and

WHEREAS, the Council of the City of Modesto determined that a new
CFF rate for a convenience market without gas pumps should be administratively
applied to this case, and

WHEREAS, City staff has recalculated applicant's CFF fees on the
basis of the new category of convenience market without gas pumps thereby
resulting in a modified CFF fee of $33,945.60 for applicant's proposed
convenience mart,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the appeal of Ajmer Gill is hereby granted and applicant's CFF fees are
hereby modified in the sum of $33,945.60 based on the new category of CFF fees
for a convenience market without gas pumps.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-705

A RESOLUTION INCREASING AND ESTABLISHING BAIL SCHEDULES
(FINES) FOR PARKING VIOLATIONS WITHIN THE CITY LIMITS OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION NO. 85-700.

WHEREAS, the Municipal Court of Stanislaus County has delegated to
local jurisdictions within the County of Stanislaus the power to establish
bail schedules for parking violations within said jurisdictions subject to
Court approval, and

WHEREAS, the Council of the City of Modesto now desires to increase
certain parking violation bails (commonly called fines) and to establish bails
for those Municipal Code parking ordinances for which bails have not
previously been established, and

WHEREAS, a study of parking violation bails has been conducted by
the Modesto Police Department, which study reveals that fines currently
imposed within the City of Modesto for numerous parking violations are
significantly lower than those of other area cities, and

WHEREAS, the Modesto Chamber of Commerce and the Downtown
Improvement District have reviewed and approved the bail changes proposed by
City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby adopts the Bail Schedule for Parking Violations within the City
of Modesto, which schedule is attached hereto as Exhibit "A" and incorporated
herein by this reference.

BE IT FURTHER RESOLVED that the Council hereby adopts said Bail
Schedule with the knowledge of and intent that a surcharge upon each bail of
Five Dollars ($5.00) shall be collected by the County of Stanislaus for
distribution in accordance with current state and county law pertaining to a jail construction fund, a courthouse construction fund, and a trial courts fund, and that said surcharge shall be in addition to the sums set forth at Exhibit "A" as bails.

BE IT FURTHER RESOLVED that parking citations issued by the City of Modesto shall clearly distinguish for the recipient thereof those portions of the total due comprising the actual bails for violations from the surcharges thereon.

BE IT FURTHER RESOLVED that Resolution No. 85-700 adopted by the Council on August 27, 1985, is hereby rescinded effective upon the date of the adoption of this resolution.

BE IT FURTHER RESOLVED that this resolution is effective upon its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
### CITY OF MODESTO
### PARKING VIOLATIONS BAIL SCHEDULE

<table>
<thead>
<tr>
<th>MMC Code Section</th>
<th>Violation</th>
<th>Bail</th>
<th>Surcharge</th>
<th>Total Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-2.303</td>
<td>Obedience to Traffic Control Devices</td>
<td>$15.00</td>
<td>$5.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>3-2.502</td>
<td>Traffic Control Through Certain Alleys</td>
<td>15.00</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3-2.810</td>
<td>Removal of Chalk Marks</td>
<td>45.00</td>
<td>5.00</td>
<td>50.00</td>
</tr>
<tr>
<td>3-2.814(a)</td>
<td>Leaving Unattended Vehicle</td>
<td>15.00</td>
<td>5.00</td>
<td>30.00</td>
</tr>
<tr>
<td>3-2.1002(a)</td>
<td>Use of Streets for Storage of Vehicle Prohibited</td>
<td>20.00</td>
<td>5.00</td>
<td>25.00</td>
</tr>
<tr>
<td>3-2.1004</td>
<td>Standing for Loading Only in Alleys</td>
<td>15.00</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3-2.1005(a)</td>
<td>Parallel and Angle Parking</td>
<td>30.00</td>
<td>5.00</td>
<td>35.00</td>
</tr>
<tr>
<td>3-2.1006</td>
<td>Parking of Commercial Vehicles and Buses Prohibited in Residential Districts</td>
<td>45.00</td>
<td>5.00</td>
<td>50.00</td>
</tr>
<tr>
<td>3-2.1007</td>
<td>Stopping or Parking Prohibited</td>
<td>15.00</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3-2.1008(b)</td>
<td>Emergency Signs</td>
<td>15.00</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3-2.1010(a)</td>
<td>Driving or Parking on Parks, Playgrounds, and City Property</td>
<td>20.00</td>
<td>5.00</td>
<td>25.00</td>
</tr>
<tr>
<td>3-2.1010(b)</td>
<td>Driving or Parking on Parks, Playgrounds, and City Property</td>
<td>20.00</td>
<td>5.00</td>
<td>25.00</td>
</tr>
<tr>
<td>3-2.1010(c)</td>
<td>Driving or Parking on Parks, Playgrounds, and City Property</td>
<td>20.00</td>
<td>5.00</td>
<td>25.00</td>
</tr>
<tr>
<td>3-2.1011</td>
<td>Parking on Private Property Without Consent Prohibited</td>
<td>15.00</td>
<td>5.00</td>
<td>20.00</td>
</tr>
<tr>
<td>3-2.1101</td>
<td>Curb Markings to Indicate No Stopping and Parking Regulations</td>
<td>25.00</td>
<td>5.00</td>
<td>30.00</td>
</tr>
<tr>
<td>3-2.1101</td>
<td>Curb Markings to Indicate No Stopping and Parking Regulations (blue curb markings)</td>
<td>100.00</td>
<td>N/A</td>
<td>100.00</td>
</tr>
<tr>
<td>3-2.1102</td>
<td>Unauthorized Painting of Curbs</td>
<td>45.00</td>
<td>5.00</td>
<td>50.00</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1104</td>
<td>Standing for Loading or Unloading Only</td>
<td>15.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1105</td>
<td>Stopping, Standing or Parking of Vehicles in Roadway</td>
<td>45.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1202</td>
<td>Parking Time Limited</td>
<td>10.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1203</td>
<td>Parking Prohibited at Certain Times on Certain Streets</td>
<td>10.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1204</td>
<td>Parking Space Markings</td>
<td>20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1205</td>
<td>Vision Obstruction - Parking Prohibited</td>
<td>45.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1301</td>
<td>Truck Routes</td>
<td>45.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1503</td>
<td>Method of Parking</td>
<td>15.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1504(a)</td>
<td>Time Limits and Rates of Fees</td>
<td>10.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1504(b)</td>
<td>Time Limits and Rates of Fees</td>
<td>10.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1507</td>
<td>Use of Substitute Coins Unlawful</td>
<td>30.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1511</td>
<td>Parking of Commercial Trucks in Metered Zones</td>
<td>20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1605</td>
<td>Obedience to Signs Posted</td>
<td>35.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-2.1608</td>
<td>Parking in Designated Spaces</td>
<td>20.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-6.804</td>
<td>Parking of Motor Vehicles Prohibited in Taxi Cab Stands</td>
<td>30.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Page 2 of Exhibit "A" to Resolution No. 91-705
November 19, 1991
3-2.1104

Standing for Loading or Unloading
Only

15.00

.00

20.00

3-2.1105

Stopping, Standing or Parking of
Vehicles in Roadway

45.00

5.00

50.00

3-2.1202

Parking Time Limited

.00

5.00

15.00

3-2.1203

Parking Prohibited at Certain Times
on Certain Streets

10.00

5.00

15.00

3-2.1204

Parking Space Markings

20.00

5.00

25.00

3-2.1205

Vision Obstruction - Parking
Prohibited

45.00

5.00

50.00

3-2.1301

Truck Routes

45.00

5.00

50.00

3-2.1503

Method of Parking

15.00

5.00

20.00

3-2.1504Ca)

Time Limits and Rate of Fees

10.00

5.00

15.00

3-2.1504Cb)

Time Limits and R es of Fees

10.00

5.00

15.00

3-2.1507

Use of Substitu e Coins Unlawful

30.00

5.00

35.00

3-2.1511

Parking of C mercia1 Trucks in
Metered nes

20.00

5.00

25.00

3-2.1605

Obedience to Signs Posted

35.00

5.00

40.00

3-2.1608

Parkin in Designated Spaces

20.00

5.00

25.00

4-6.804

Park·ng of Motor Vehicles Prohibited
·n Taxi Cab Stands

30.00

5.00

35.00

APPROVED

·~DA~~D~G~.~V~A~ND~E=R~WA~L7L------------

P esiding Judge of the Municipal
ourt of Stanislaus County

D~~___________________
~/

Page 2 of Exhibit "A" to Resolution No. 91-705
November 19, 1991

11153CA2


MODESTO CITY COUNCIL
RESOLUTION NO. 91-706

A RESOLUTION ACCEPTING THE BID OF CASE POWER EQUIPMENT COMPANY FOR FURNISHING ONE TRACTOR/LOADER

WHEREAS, Resolution No. 91-611, adopted by the Council of the City of Modesto on September 24, 1991, approved the plans and specifications for the purchase of one tractor/loader and authorized the calling for bids; and

WHEREAS, the bids received for the furnishing of one tractor/loader were opened at 11:00 a.m. on October 14, 1991, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Case Power Equipment Company in the amount of $15,843 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Case Power Equipment Company in the amount of $15,843 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY E. HALL, Acting City Clerk
RESOLUTION NO. 91-707

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT PUBLIC AUCTIONS TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON DECEMBER 7, 1991, LOCATED AT 824 KIERNAN AVENUE, AND DECEMBER 9, 1991, LOCATED AT 501 NORTH JEFFERSON AND 601 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at auctions to be held on December 7, 1991, and December 9, 1991, and

WHEREAS, a detailed list of the items to be sold at said auctions, entitled "Surplus/Unclaimed Property Listing," is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus/Unclaimed Property Listing," which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at public auctions to be conducted by Roger Ernst and Associates on December 7, 1991, at a large facility located at 824 Kiernan Avenue, and on December 9, 1991, at 501 North Jefferson, City Corporation Yard, and at 601 11th Street, Police Department Vehicle Maintenance Shop, subject to the execution of an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 16th day
of May, 1989, and which agreement was approved by Council Resolution No. 89-575; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1989, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-708

A RESOLUTION ACCEPTING THE 18" WATERLINE IN CROWS LANDING ROAD BETWEEN HATCH ROAD AND WHITMORE AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works, that the 18" waterline in Crows Landing Road between Hatch Road and Whitmore Avenue has been completed by Gentz Construction Company in accordance with the contract agreement dated December 26, 1990.

NOW, THEREFORE, BE IT RESOLVED that the 18" waterline in Crows Landing Road between Hatch Road and Whitmore Avenue be accepted from said contractor, Gentz Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $360,573.92 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-709

A RESOLUTION DESIGNATING COUNCILMEMBER KENNI FRIEDMAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Kenni Friedman is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-710

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTLE-WELLS ASSOCIATES FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH NEGOTIATIONS FOR THE DEL ESTE WATER COMPANY ACQUISITION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Bartle-Wells Associates for professional services in conjunction with negotiations for the Del Este Water Company acquisition be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-711

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BOYLE ENGINEERING FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH NEGOTIATIONS FOR THE DEL ESTE WATER COMPANY ACQUISITION

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Boyle Engineering for professional services in conjunction with negotiations for the Del Este Water Company acquisition be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY L. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-712

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL
BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE DEL ESTE
WATER FEASIBILITY STUDY.

WHEREAS, this project is currently being funded in a CIP account,
610-480-P840-6000, Del Este Feasibility Study, and
WHEREAS, the additional funds are required to retain professional
services from Bartle-Wells Associates and Boyle Engineering,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are
necessary:

<table>
<thead>
<tr>
<th>Fund/Agy/Org</th>
<th>Increase (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>610-480-P840-6000</td>
<td>Del Este Water Feasibility Study $ 50,000</td>
</tr>
<tr>
<td>610-800-8000-8003</td>
<td>Water Fund Contingency Reserve (50,000)</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Nortine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-713

RESCINDED

A RESOLUTION ADOPTING GUIDELINES AND ESTABLISHING
PROCEDURES TO IMPLEMENT THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT WHERE THE CITY OF MODESTO IS THE LEAD AGENCY,
CREATING THE ENVIRONMENTAL ASSESSMENT COMMITTEE, AND
SUPERSEDING PRIOR CITY COUNCIL RESOLUTION NO. 87-48.

WHEREAS, Sections 21000 et seq. of the California Public Resources
Code (PRC), as amended, are known as the California Environmental Quality Act
(CEQA), and

WHEREAS, Section 21082 of the California Public Resources Code
requires all public agencies to adopt procedures for evaluation of projects
and the preparation of environmental impact reports and negative declarations,
and

WHEREAS, Chapter 9 of Title IV of the Modesto Municipal Code
(Sections 4-10.01 - 4-10.04) authorizes the adoption by resolution of
guidelines for determining what projects may have a significant effect on the
environment and for the preparation and approval of environmental impact
reports, and

WHEREAS, the City Council by Resolution Nos. 72-1137, 73-276,
74-130, 75-437, 77-14, 77-80, 78-457, 80-111, 81-406, 84-989, and 87-48 have
previously adopted Environmental Impact Report guidelines or amendments
thereto, and

WHEREAS, the State CEQA Guidelines provide the statutory
requirements for Environmental Impact Reports (EIRs) and Initial Studies, and

WHEREAS, hereinafter, all references to "Planning Commission"
include the Board of Zoning Adjustment, Landmarks Preservation Commission, and
the Board of Building Appeals,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Guide to CEQA Procedures for City of Modesto. The procedures entitled "Guide to CEQA Procedures for City of Modesto" dated October 1991, attached hereto as Exhibit A are hereby adopted to provide procedures for the systematic review of projects subject to CEQA by the public, staff, advisory bodies, and final decision making bodies so as to afford the fullest protection of the environment within the scope of the law.

SECTION 2. California Environmental Quality Act and State California Environmental Quality Act Guidelines. All projects reviewed by the City shall be evaluated according to the criteria, procedures, law and regulations set forth in the Environmental Quality Act and the State CEQA Guidelines.

SECTION 3. Environmental Assessment Committee. An Environmental Assessment Committee (EAC) is hereby created to review projects that are not exempt from CEQA. The basic objectives of the EAC are:

(a) to provide a public forum for the discussion of proposed projects,

(b) to prepare the Initial Study to determine whether the project may have a significant environmental effect, and

(c) to make recommendations to the "final decision making body" as to whether a Negative Declaration should be issued or whether an Environmental Impact Report (EIR) should be required.

SECTION 4. Appointment to Environmental Assessment Committee. The members of the EAC shall be appointed by the City Manager from local
government staff familiar with development issues. Alternates shall also be appointed. The meetings of the EAC are public meetings, subject to the provisions of the Brown Act.

SECTION 5. Repeals. The provisions of this resolution shall supersede and replace the provisions of Council Resolution No. 87-47 provided, however, that the review of all public and private projects commenced under said previous City of Modesto Guidelines shall be coordinated with procedures outlined in this resolution in completing the review and approval of such project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
GUIDE TO CEQA PROCEDURES FOR CITY OF MODESTO

Department of Planning and Community Development
October 1991

EXHIBIT A

TABLE OF CONTENTS

SECTION 1 PROCEDURES WHEN A NEGATIVE DECLARATION IS REQUIRED UNDER STATE CEQA GUIDELINES Page 1

SECTION 2 PROCEDURES WHEN AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED UNDER THE STATE CEQA GUIDELINES Page 6

Preparation of a Draft EIR Page 6

Preparation of a Final EIR Page 7

Project Review by Planning Commission Page 8

Project Review by City Council Page 8

SECTION 3 PROCEDURES WHEN A PREVIOUSLY PREPARED EIR IS USED Page 10

SECTION 4 PROCEDURES WHEN A PROJECT IS EXEMPT Page 12

Project Review by Planning Commission Page 13

Project Review by City Council Page 13

Appendices A, B, C Page A-1
PROCEDURES WHEN A NEGATIVE DECLARATION IS REQUIRED UNDER STATE CEQA GUIDELINES

1. Preapplication meeting(s) between applicant and staff are encouraged but are optional unless otherwise required. Based on applicant input, the Project Planner determines whether the project is subject to CEQA or whether it is exempt. The Environmental Planner and/or City Attorney are available to advise the Project Planner.

2. Applicant files an Environmental Information Form with the Planning Department at the time of the project, and pays the appropriate fees. An application is not complete until all filing and Fish and Game fees are paid.

3. The application is reviewed by project planner to determine if it is complete. If not complete, a letter is sent to the applicant within 30 days, with a list of the required items. If the additional items are not provided within 30 days of date of the letter the application will be deemed withdrawn, and the fees will be returned.

4. Once complete, copies of the Information Form are circulated to Public Works and Transportation, Parking and Traffic, Police, Fire Marshal, Parks and Recreation, Air Pollution Control District and any other agency deemed appropriate. Responses should be returned to the Planning and Community Development Department within 3 weeks.

   - If the project will generate more than 100 vehicle trips per peak hour the applicant must submit a Traffic Study with 25 copies. The study will be reviewed by the Parking and Traffic Division for adequacy. The Division will prepare an analysis of impacts and mitigation measures, based on the traffic study, for review by the Environmental Assessment Committee (EAC).

   - Based on agency responses, the applicant may be required to submit a study analyzing the effects for other significant environmental impacts, such as Noise or Riparian Habitat

5. Based on the applications and comments received, the project planner then completes a draft Initial Study, and drafts potential mitigation measures (if applicable) to be incorporated into the project.

6. The draft Initial Study and proposed mitigation measures are then sent to the applicant and the members of the EAC, and
the item is scheduled for the next available Environmental Assessment Committee (EAC) meeting. The applicant will be notified of the EAC meeting. The EAC meetings are open to the public and the applicant.

7. The EAC will review the Environmental Information Form, environmental studies, the project map, the draft Initial Study, the draft mitigation measures, agency responses and any public input. The EAC will then determine:

   (1) if the information or studies provided are adequate, and
   (2) if further information or studies on the environmental effects are needed, and
   (3) if the draft Initial Study should be revised, and
   (4) if the draft mitigation measures are adequate, and
   (5) If the EAC should recommend additional mitigation measures, and
   (6) if the project may or may not have a significant effect on the environment and, if the project may have a significant impact, an EIR will be required. If not the EAC will recommend a Negative Declaration or a Mitigated Negative Declaration.

If a Negative Declaration is required, go to "8" below. If an EIR is required go to SECTION 2 on page 6

8. The applicant must orally agree to incorporate all mitigation measures in the project application prior to a final environmental determination by the EAC. The applicant will provide written assurance of agreement within 7 days of the EAC meeting or the application will be deemed incomplete and will not proceed further.

9. An applicant may appeal the decision of the EAC to the City Council by notifying the City Clerk in writing and paying the appeal fee within 15 days of the EAC meeting. When a proposed Negative Declaration is prepared, a Notice shall be placed in the Modesto Bee at least once. Notice is also posted at the County Clerk and Recorders Office not less than 30 days before a final decision-making body reviews the project.

10. The public review period for the proposed Negative Declaration shall begin when the draft Negative Declaration is posted and shall end at the conclusion of the hearing of the decision-making body.
11. A staff report shall be submitted to the Planning Commission and City Council. The report will include:

(a) a description of the project and a discussion of the concerns raised by the EAC, together with the EAC recommendation;

(b) Recommendations of draft findings, conditions, and mitigation measures. All CEQA mitigation measures shall be specifically labelled as such.

(c) A copy of the Initial Study and supplemental impact studies shall be attached to the report;

12. Notice of the hearing shall include a statement that a draft Negative Declaration has been prepared, and is available for review prior to the hearing on the Negative Declaration.

13. Legal Notice of the hearing on the project and the proposed Negative Declaration shall be published in a newspaper of general circulation at least 10 days prior to the date of the hearing. Negative Declarations are valid for two years following adoption by decision-making body. Negative Declarations parks can be valid longer than two years when projects fall within the defined scope of a previously reviewed "parks master plan".

PROJECTS WHERE THE FINAL DECISION-MAKING BODY IS THE PLANNING COMMISSION

(If City Council is the final decision making body, see next section)

14. Prior to the hearing the Planning Commission shall be given copies of all initial studies, comments reports and other information used by the EAC in making recommendations and shall receive copies of the EAC's final recommendations. Agenda reports shall state the CEQA status of the proposed project.

15. After the hearing on the Negative Declaration and the project, the Planning Commission shall:

(1) adopt a Negative Declaration, either as proposed by the EAC or as modified, and
   (a) adopt CEQA findings and,
   (b) adopt mitigation measures, if applicable, and
   (c) adopt any other findings or conditions, with motion to approve (or deny) the application, or
(2) make the determination that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.

16. Any interested person may appeal the decision to adopt the Negative Declaration or require an EIR. The appeal is to the City Council by filing a written appeal with the appeal fee with the City Clerk. The appeal period ends at the close of business hours on the 15th day following the Planning Commission action. If no appeal is filed, the decision of the Planning Commission is final.

17. If no appeal is filed with the City Clerk, and the Negative Declaration and project are approved, a Notice of Determination and a Certificate of Fee Exemption (if applicable) is filed with the County Clerk-Recorder and, if the project requires discretionary review from any state agency, a copy of the Notice is filed with the Office of Planning and Research. If any appeal is filed with the City Clerk as to either the CEQA or project determination, no action will be taken until a final decision is made by the City Council.

PROJECTS WHERE THE FINAL DECISION-MAKING BODY IS THE CITY COUNCIL

14. Depending on the type of the project the Planning Commission holds a hearing (if required). Prior to the hearing the Planning Commission shall be given copies of all initial studies, comments reports and other information used by the EAC in making recommendations and shall receive copies of the EAC's final recommendations.

15. After the public hearing or consideration on the project, the Planning Commission shall recommend that the City Council:

(a) adopt CEQA findings, and

(b) adopt a Negative Declaration, either as proposed by the EAC or as modified, and

(c) adopt mitigation measures, if applicable, and

(d) adopt any other findings or conditions with a motion to approve (or deny) the permit(s) requested by the applicant, or

(e) decide that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.
16. The Planning Commission recommendation to adopt a Negative Declaration shall be included in all notification to persons receiving statutory notice of the City Council public hearing.

17. Depending on the type of the project, the City Council may hold a public hearing. Prior to consideration of a project, the staff shall prepare a "blue sheet" and "agenda report".

Note the following:
(a) The blue sheet should specify under "Council Action" that the resolution certifying the environmental action must be adopted, along with approval of the project.
(b) The agenda report should specify the date the item was considered by the EAC, the recommendation of the EAC, and any recommended mitigation measures.
(c) The entire Negative Declaration must be attached to the agenda report.

18. After the public hearing on the Negative Declaration and the project, the City Council shall:
(a) adopt CEQA findings, and
(b) adopt a Negative Declaration, either as proposed by the EAC or as modified, and
(c) adopt mitigation measures, if applicable, and
(d) adopt any other findings or conditions, with motion to approve (or deny) the application or
(e) make the determination that the project will have a significant unmitigated impact on the environment and require preparation of an EIR.

19. If a Negative Declaration is adopted and project approved, the Planning Department will file a Notice of Determination and Certificate of Fee Exemption (if applicable) with the County Clerk and, if the project requires discretionary approval from any state agency, a copy of the Notice is filed with the Office of Planning and Research.
SECTION 2

PROCEDURES WHEN AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED UNDER THE STATE CEQA GUIDELINES

8. The EAC, Planning Commission, or City Council may determine that a project may (or will) have a significant effect. If it may (or will) have a significant effect, an EIR is required. If there is a potential impact on wildlife or wildlife habitat, the City is required by the State Department of Fish and Game to collect a fee of $850.

9. The decision of the EAC or the Planning Commission to require an EIR may be appealed, as described previously on page 3. The City Council has final decision-making authority on the requirement of an EIR.

10. At this time, a $2,000 Consultant Selection fee plus (if applicable) the $850 Department of Fish and Game Review fee is due. The $2,000 Consultant Selection fee will be used by the City to initiate the EIR process and for selection of the the EIR consultant. This money is non-refundable. The applicant shall have 1 year from the time of the EAC, Planning Commission, or City Council recommendation requiring an EIR, whichever is later to initiate the EIR process. If the appropriate amounts are not paid within that time, the project will be deemed withdrawn by the applicant.

11. When an EIR is required, a Notice of Preparation is sent to each responsible agency, adjacent jurisdiction, trustee agency, the County of Stanislaus and for a project of statewide, regional or areawide significance, to each transportation planning agency and federal agency involved in approving or funding the project.

PREPARATION OF DRAFT EIR

12. Staff reviews statements of qualifications for potential candidate consultants. If the project is exceptionally large or of a special nature the City may suggest that Request For Qualifications with description of similar projects be submitted. Based upon responses, staff narrows list to between 3 to 6 consultants.

13. Public scoping meeting with City, and interested individuals may be held to provide early input. Notice of any meeting is mailed to each property owner within 300 feet of the project area. Staff will note the salient issues brought out in the scoping meeting and forward these to the prospective consultants.
14. Staff mails Request for Proposals (RFPs) to between 3 and 6 consultants. Meetings are scheduled with interested consultants to review the project application, the proposed EIR content, and the work schedule of the EIR.

15. Proposals submitted. EAC makes recommendation to City Council, who then selects the consultant.

16. Applicant must pay an EIR fee in the amount equal to the estimated costs of a draft and final EIR plus a 10 percent administrative cost to the City. Once the fee is paid the City will enter into a contract with the consultant. If applicant fails to deposit the required monies within 30 days of written request, the application is deemed withdrawn. Once the fee is paid, it is non-refundable. Applicant shall have no greater role in the EIR process than any member of the public.

17. The City/Consultant contract is prepared, approved by City Council and signed by staff.

18. Consultant prepares a "time line" and then an administrative draft EIR (ADEIR) for City review; comments are returned for incorporation into the Draft EIR.

19. Consultant prepares Draft EIR and Draft Mitigation Monitoring Program. Notice of Completion is filed by the City with the State Office of Planning and Research. The City will notify the public that the Draft EIR is available for review pursuant to the provisions of Public Resource Code section 21092. A copy will also be made available at the main library.

20. The public shall have a 30 day period to review and comment on the Draft EIR. The review period shall be 45 days when a State agency is a responsible agency for the project.

21. A public hearing shall be held on the Draft EIR during the above public review period, by the final decision making body. Notice of hearing is mailed to each property owner within 300 feet of the project. The Notice says that a Draft EIR has been prepared and is available for review prior to the hearing on the DEIR.

PREPARATION OF FINAL EIR

22. Written responses collected by City staff and sent to consultant during the public review period.

23. The consultant completes the Final EIR and Final Mitigation Monitoring Program. Then they deliver copies to the City and all other interested agencies.
24. Staff prepares a draft resolution which includes the following findings to certify the Final EIR:

(a) Find that the FEIR has been completed in compliance with CEQA, and

(b) Find that the Decision-Making body has reviewed and considered the FEIR, and

(c) Adopt a Statement of Overriding Considerations (if applicable), and

(d) Adopt Mitigation Monitoring Program (see Exhibit E-2).

PROJECTS WHERE THE FINAL DECISION MAKING BODY IS THE PLANNING COMMISSION
SEE NUMBER 14 AND 15, PAGE 2

25. Planning Commission shall hold a public hearing, and

(a) adopt or reject the above described CEQA findings and certification of the adequacy of the Final EIR, or

(b) if the CEQA findings are adopted the Planning Commission may approve the project with appropriate mitigation measures attached

26. Any interested person may appeal the Planning Commission decision to adopt the Negative Declaration or require an EIR to the City Council by filing a written appeal with appeal fees with the City Clerk. The appeal period ends at the close of business hours on the 15th day following the Commission action. If no appeal is filed, the decision of the Planning Commission is final.

27. If no appeal is filed with the City Clerk, and the EIR is certified and application(s) approved, a Notice of Determination is filed with the County Clerk. If the project requires discretionary approval from any state agency, a copy of the Notice is filed with the Office of Planning and Research. If any appeal is filed with the City Clerk, as to either the CEQA or project determination, steps 27 through 28 (under projects approved by the City Council) shall be followed.

PROJECTS WHERE THE FINAL DECISION MAKING BODY IS THE CITY COUNCIL

25. Planning Commission shall hold a public hearing, and
(a) adopt or reject the above described CEQA findings and certification of the adequacy of the Final EIR, or

(b) if the CEQA findings are adopted the Planning Commission may approve the project with appropriate mitigation measures attached

26. Notice of public hearing is published, and written notice is mailed to all property owners who live within 300 feet of the proposed project.

27. The agenda report and blue sheet to the City Council must specify that the resolution certify the EIR and adopt the Mitigation Monitoring Plan. A copy of the complete EIR (Draft EIR, Final EIR, Mitigation Monitoring Plan) must be made available to the City Council.

28. City Council public hearing, and

(a) If the Planning Commission has recommended certification of the EIR the Council may (i) certify the EIR and adopt findings and conditions with a motion to approve (or deny) the permit(s) requested by the applicant, or (ii) may deny certification of the EIR and project or

(b) If the Planning Commission has denied or recommended denial of certification of the EIR, the Council may confirm that decision or reverse that decision. The project will not be approved unless the Council certifies the EIR.

29. If the EIR and project are approved, a Notice of Determination is filed with the County Clerk and, if the project requires discretionary approval from any state agency, a copy of the notice is filed with the Office of Planning and Research
SECTION 3

PROCEDURES WHEN A PREVIOUSLY PREPARED EIR IS USED

1. EAC should decide if a previously prepared EIR could apply to the project seeking approval. The EIR shall be reviewed to see which of the following three categories it falls under, as noted in 2, 3, and 4 below.

2. Program EIR — is an EIR prepared on a series of actions that can be characterized as one large related project. The Village One EIR is an example. The EAC shall review the proposed projects not sufficiently defined in the Program EIR and prepare draft findings to explain:

(a) If the project falls under a statutory or categorical exemption, staff shall file a notice of exemption. The project and prior EIR need no further review. Residential projects undertaken pursuant to and in conformity with a specific plan are exempt under Section 15182.

(b) The EAC will perform an initial review to determine that the proposed project is within the scope of the program. If the EAC decides this is so, a notice of exemption under Section 15168 will be filed and no further environmental documents will be required.

(c) If the precise impact of the project are not fully disclosed by the program EIR the EAC shall perform an initial study of the project. The EAC may recommend a negative declaration, may incorporate the prior EIR by reference, may require a focused EIR on the proposed project, or may take any other action which is necessary to comply with CEQA.

(d) If the project involves neighborhood commercial facilities in an urbanized area under a prior EIR, the EAC will perform an Initial Study and authorize the project to proceed under the previously prepared EIR, subject to findings required by Section 15181.

(e) Then the Planning Commission must adopt or recommend adoption of these findings prior to project approval. If the City Council has final decision-making authority on the project it shall adopt the findings prior to project approval. Copies of the EIR shall be made available to each member of the final decision-making body prior to project approval.
3. Redevelopment Plan EIR is prepared for review of a Redevelopment Plan. Users of the EIR shall follow the procedures set forth above for a Program EIR.

4. Project EIR - is an EIR which evaluates the environmental impact of a specific project. The EIR shall be valid for two (2) years from final printing. After two years from the date of final printing, staff shall send the project application and final EIR to the EAC.

(a) The EAC shall do an Initial Study to determine if EIR still adequately describes the project, environmental setting, significant impacts, alternatives and mitigation measures. If the EAC determines the EIR to be adequate, the Planning and Community Development Department will send out a Notice of Plan to Use Prior EIR to affected agencies. If the EAC, Planning Commission, or City Council decides that due to time, project changes, or any other reason, the EIR is no longer adequate, the EAC will require a Supplement to the EIR, a Subsequent EIR, or an Addendum to an EIR.

(b) The Planning Commission and/or City Council will evaluate the Initial Study, prior EIR, public comments and decide whether the EIR is adequate for the project at hand. If it deems the EIR adequate, it will certify the EIR and make findings as per sections 15091 and 15093 of CEQA Guidelines.

(c) A Notice of Determination (NOD) will be filed by the City with the County Clerk-Recorder.

5. All EIRs are subject to review by the EAC under standards of Section 15162 which states that a new EIR may be required if:

(a) subsequent changes in the proposed project require revisions in the prior EIR due to environmental impacts not considered; or

(b) substantial changes occur with respect to the circumstances under which the project is undertaken which require important revisions to the prior EIR; or

(c) new information becomes available showing significant new effects not previously considered or requiring altered mitigation measures.
1. A preapplication meeting may be held. Appendices A, B, and C serve as further reference in determining whether an application is a nonproject, statutorily/categorically exempt, or a certified regulatory program.

2. A complete application shall be filed with the Planning Department.

3. Staff makes determination that the project is exempt from CEQA. The following are defined as exempt projects:

   (a) Activities included in Section 15061 (b) (3) of CEQA Guidelines. This section describes the "general rule" that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

   (b) Article 18, Statutory Exemptions, Section 15260 et. seq. (See Appendix A)

   (c) Article 19, Categorical Exemptions, Section 15300 et.seq. (See Appendix B)

   (d) Issuance of nondiscretionary building, electrical, plumbing or gas permits;

   (e) Issuance of business licenses and other nondiscretionary City permits.

   (f) Approval of final maps

   (g) Approval of individual utility service connections and disconnections.

   (h) Execution of project improvement agreements;

   (i) Acceptance of offers of dedication;

   (j) Acceptance of deeds;

   (k) Encroachment permits
4. Notice of Exemption is prepared by the Environmental Review Coordinator, and is signed by the Department Head overseeing the project.

5. The project will then receive review and approval according to the usual procedure without further environmental review, unless the exemption has been appealed.

PROJECTS WHERE THE FINAL DECISION-MAKING BODY IS THE PLANNING COMMISSION

6. The Planning Commission holds a public hearing, and

   (a) confirms the exempt status of the projects and adopts of findings and conditions together with a motion to approve (or deny) the application, or

   (b) directs preparation of an Initial Study.

7. Any interested person may appeal the Planning Commission decision as to the exempt status of the project to the City Council by filing a written appeal with the City Clerk within fifteen days of the Planning Commission action. The appeal period expires at the close of business on the fifteenth day after the Commission action If no appeal is filed, the decision of the Planning Commission is final.

8. If an appeal is filed with the City Clerk, of either the CEQA or project determination, steps 7 through 10 (under Projects Where The Final Decision Making Body Is The City Council) shall be followed.

PROJECTS WHERE THE FINAL DECISION-MAKING BODY IS THE CITY COUNCIL

6. The Planning Commission holds a public hearing and

   (a) recommends confirmation of the exempt status and adopts findings and conditions with a motion to approve (or deny) the application, or

   (b) adopts a recommendation to prepare an Initial study

7. A public hearing on the exempt status and the project is scheduled by Council.

8. The agenda report to the City Council must specify that the project was "exempt" from CEQA and state the reason.

9. Notice of public hearing is published. If required, written notice is mailed to all property owners who live within 300 feet of the proposed project.
10. The City Council holds a public hearing, and

(a) if the Planning Commission has confirmed or recommended confirmation of the exempt status the Council may (i) confirm the exempt status and adopt findings conditions, together with a motion to approve (or deny) the project requested by the applicant, or (ii) direct the preparation of an initial study together with such actions as to project which may be advisable, or

(b) if the Planning Commission has recommended preparation of an Initial Study, the Council may confirm that decision and take such actions as to the project which may be advisable or may confirm the exempt status of the project.

11. If the exempt status is confirmed and project approved, a Notice of Exemption may be filed with the County Clerk-Recorder.
NOTE: This listing is a summary intended for guideline purposes only. The specific language of CEQA, the CEQA Guidelines, and relevant cases should be consulted to determine the definition and applicability of each exemption.

"Nonprojects"

1. Activities for which "it can be seen with certainty" that there will not be an environmental effect. Guidelines Sec. 15061(b)(3).

2. Anything specifically exempted by state law. Guidelines Sec. 15378(b)(1).

3. Proposals for legislation to be enacted by the state Legislature. Guidelines Sec. 15378(b)(2).

4. Certain continuing administrative or maintenance activities. Guidelines Sec. 15378(b)(3).

5. Submissions of proposals to a statewide or local vote, except for CEQA projects requiring later voter ratification. Guidelines Sec. 15378(b)(4).

6. School closing and student transfer when the only physical changes involved are categorically exempt. Guidelines Sec. 15378(b)(5).

Selected Statutory Exemptions

1. Ministerial projects. Guidelines Sec. 15268.

2. Emergency situations, including emergency repairs to public services facilities necessary to maintain service, projects affecting disaster areas where the governor has proclaimed a state of emergency, and specific actions necessary to prevent or mitigate an emergency. Guidelines Sec. 15269. An "emergency" is a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. PRC Sec. 21060.3.

3. Projects that a public agency rejects or disapproves. Guidelines Sec. 15270(a).

4. Certain early actions related to a thermal power plant site or facility. Guidelines Sec. 21080(b)(5).

5. The setting of certain rates, tolls, fares, or charges other than rate increases to fund system expansions. Guidelines Sec. 15273(a).

7. Development or adoption of regional or state transportation improvement programs. Guidelines Sec. 15276.

8. Projects outside California subject to NEPA or state "mini-NEPA" review. Guidelines Sec. 15277.

9. Local agency projects implementing a state rule or regulation imposed pursuant to a state certified regulatory program, except site-specific effects of a project not analyzed as significant impacts in a substitute document. PRC Sec. 21080(b)(16).

10. Feasibility or planning studies for possible future actions that the agency has not approved, adopted, or funded. Guidelines Sec. 15262.

11. Certain local government activities related to local coastal programs, and activities by state universities or colleges necessary for a long-range land use development plan. Guidelines Sec. 15265(a).

12. OPR time extensions for general plan elements. Guidelines Sec. 15266.

13. Department of Housing and Community Development financial assistance for low- or moderate-income housing. Guidelines Sec. 15267.

14. State Lands Commission settlements of title and boundary problems and related exchanges or leases. PRC Sec. 21080.11.

15. Railroad grade separation projects eliminating an existing grade crossing or reconstructing an existing grade separation. PRC Sec. 21080.13.

16. Adoption of an ordinance related to construction of certain senior citizen units or second units. PRC Sec. 21080.17.

17. The closing of any public K-12 school, or the transfer of students from such a school if the associated physical changes are categorically exempt. PRC Sec. 21080.18.

18. Restriping of streets or highways to reduce traffic congestion. PRC Sec. 21080.19.

19. Projects less than 1 mile long related to subsurface pipelines within public rights-of-way. PRC Sec. 21080.19.


22. Local ordinances exempting a jurisdiction from solar shade control requirements. PRC Sec. 25985.

23. Local approval of a large day-care home providing family day-care for 7-12 children. Health & Safety Code Sec. 1597.46.
CATEGORICAL EXEMPTIONS (GUIDELINES SECS. 15301 ET SEQ.)

NOTE: This listing is a summary intended for guideline purposes only. The specific language of CEQA, the CEQA Guidelines, and relevant cases should be consulted to determine the definition and applicability of each exemption.

1. Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.

2. Replacement or reconstruction of existing structures or facilities on the same site.

3. Construction of limited small new facilities, installation of small new equipment and facilities in small structures, and conversion of the use of small existing structures.

4. Certain minor alterations of land, water, or vegetation.

5. Certain minor alterations in land use limitations.

6. Basic data collection, research, experimental management, and resource evaluation activities.

7. Certain actions taken by regulatory agencies to maintain, restore, or enhance a natural resource.

8. Certain actions taken by regulatory agencies to maintain, restore, or enhance the environment.

9. Inspections of operations or projects.

10. Certain Department of Veterans Affairs loans, and mortgages and mortgage purchases for existing structures.

11. Construction or placement of minor structures next to certain existing facilities.

12. Sales of surplus government property, except in environmentally sensitive areas.

13. Acquisition of land for fish and wildlife conservation.

14. Minor additions to existing schools.

15. Subdivisions of certain properties in urban area into four or fewer parcels.

16. Certain acquisitions or sales of land in a natural condition or containing cultural resources sites, to establish a park.
17. Establishment of agricultural preserves, making and renewal of Williamson Act contracts, and acceptance of open space property.

18. Designation of wilderness areas under the California Wilderness System.

19. Annexations of certain areas containing existing structures, and certain small parcels.

20. Local government reorganizations requiring no change in the areas where previous powers were exercised.

21. Enforcement actions by regulatory agencies.

22. Actions related to educational or training programs not involving outdoor physical changes.

23. Normal operations of existing facilities for public gatherings for which the facilities were designed.

24. Actions taken by regulatory agencies related to wages, hours, and working conditions.

25. Transfers of interests in land to preserve open space.

26. Actions needed to implement a housing assistance plan by acquiring an interest in housing units.

27. Leasing of new or unoccupied private facilities in a building exempt from CEQA.

28. Installation of certain hydroelectric facilities less than five megawatts capacity at existing facilities.

29. Installation of certain cogeneration equipment less than 50 megawatts capacity at existing facilities.
APPENDIX C

LIST OF CERTIFIED REGULATORY PROGRAMS (GUIDELINES SEC. 15251)

1. Regulation of timber harvesting operations by the California Department of Forestry and the State Board of Forestry.

2. The regulatory program of the Fish and Game Commission.

3. The regulatory program of the California Coastal Commission involving issuance of coastal development permits.

4. The regulatory program of the Air Resources Board involving protection and enhancement of ambient air quality.

5. The regulatory program of the State Board of Forestry under the Forest Practices Act.

6. Coastal Commission preparation, approval, and certification of local coastal programs.

7. The water quality control and "208" planning programs of the State Water Resources Control Board and Regional Water Quality Control Board.

8. The permit and planning programs of the San Francisco Bay Conservation and Development Commission.

9. The pesticide regulatory program administered by the Department of Food and Agriculture and the county agricultural commissioners.

10. Department of Water Resources regulation of water resources management projects.

11. The Energy Resources Conservation and Development Commission power plant site certification program.

12. The regulatory program of the State Water Resources Control Board to establish instream beneficial use protection programs.
ITEM C  Public Hearing - Recommendation of Adoption of the Updated Guide to CEQA Procedures For City of Modesto

Project Description

The purpose of this document is to "de-mystify" to some degree the CEQA process and provide for public as well as private individuals a concise reference source in seeing a project through to adoption. This item is a "guide" that formalizes the CEQA process for "projects" that are to occur within the City of Modesto. The "Guide" has four sections:

1. Procedures when a Negative Declaration is required under State CEQA Guidelines.
2. Procedures when an Environmental Impact Report (EIR) is required under the State CEQA Guidelines.
3. Procedures when a previously prepared EIR is used.
4. Procedures when a project is exempt

These sections describe in a step-by-step manner the procedures that are required by CEQA to bring a project from initial application all the way through the process to Notice of Determination. Fees, review periods, public notification, appeals and final CEQA adoption or certification are presented in an easy to read procedural format. There are only a few minor procedural changes from how the CEQA process is currently handled. These changes involve the slightly expanded role of the City staff, the incorporation of a consultant selection fee, the review of previously used EIRs, a lengthening of the appeal period, and incorporation of State Department of Fish and Game fees, when applicable.

Issues and Background

CEQA is California's broadest environmental law. Its four basic objectives are:

1. To inform decision makers and the public about the significant environmental effects of proposed activities;
2. to identify ways to avoid or reduce damage;
3. to prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures; and
4. to disclose to the public reasons for agency approvals of projects with significant environmental effects. (State CEQA Guidelines Section 15002)

To adhere to these objectives, requires a sometimes extended process of analysis, review, mitigation and notification. To this end staff has worked on these procedures in an attempt to facilitate a smoother internal function of the processing of projects. In virtually all as the application of City development standards comes into play. Recent legislation at the state level
frequently complicates the development process. It was deemed that a "guide" would assist all persons who engaged in development within the City proceed with this process.

Environmental Assessment

This is not a project. It constitutes a continuing administrative or maintenance activity. State CEQA Guidelines Section 15378 (b)(3).

This is a procedural activity and does not apply.

Recommended Action

Staff recommends that the Planning Commission recommend approval by the City Council.
A RESOLUTION RECOMMENDING TO THE CITY COUNCIL A REVISION OF THE PROCEDURES FOR IMPLEMENTING THE ENVIRONMENTAL QUALITY ACT WHERE THE CITY OF MODESTO IS THE LEAD AGENCY AND SUPERSEDED PRIOR CITY COUNCIL RESOLUTIONS 87-48 AND 89-90

WHEREAS, Sections 21000 et seq. of the California Public Resources Code (PRC), as amended, are known as the California Environmental Quality Act (CEQA), and

WHEREAS, Section 15022 of the State CEQA Guidelines requires each public agency to adopt objectives, criteria, and guidelines for administering its responsibilities under CEQA, and

WHEREAS, Section 21082 of the California Public Resources Code requires all public agencies to adopt procedures for evaluation of projects and the preparation of Environmental Impact Reports and Negative Declarations, and

WHEREAS, Chapter 9 of Title IV of Modesto Municipal Code (Sections 4-10.01 - 4-10.04) authorizes the adoption by resolution of guidelines for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and

WHEREAS, the City Council by Resolution Nos. 72-1137, 73-276, 74-130, 75-437, 77-14, 77-80,78-457, 80-111, 81-406, 84-989, 87-48 has previously adopted Environmental Impact Report guidelines or amendments thereto, and

WHEREAS, staff has proposed a revision to these previously adopted guidelines to provide staff and the public with an easy reference to the proper procedures, and

WHEREAS, the proposed CEQA Guidelines have been determined not to be a project, and

WHEREAS, the Planning Commission reviewed and discussed the attached proposed CEQA Guidelines at a public meeting on November 4, 1991, and

WHEREAS, all references to "Planning Commission" include the Board of Zoning Adjustment, Landmark Preservation Commission, and the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends adoption of the "Guide to CEQA Procedures For City of Modesto" as the revised procedures for implementing the California Environmental Quality Act, where the City of Modesto is the lead agency.

The foregoing resolution was introduced at a regular meeting of the Planning Commission held on November 4, 1991, by Lynne Gonzales-Collins, who
moved its adoption, which motion was seconded by Jeff Grover, and carried by the following vote:

AYES: Alexander, Cruz, Gonzales-Collins, Grover, Smith, and Dunbar
NOES: None
ABSENT: Fisher

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO

William S. Nichols, Secretary

Attachment (Exhibit A)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-714

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE
ENVIRONMENTAL IMPACT RELATING TO THE HETCH HETCHY BIKE
PLAN, AND ADOPTING SAID HETCH HETCHY BIKE PLAN.

WHEREAS, the City Council certifies that at its Council meeting of
November 19, 1991, it reviewed and considered the findings of the City of
Modesto Environmental Assessment Committee which resulted in a mitigated
negative declaration in regard to the environmental impact relating to the
Hetch Hetchy Bike Plan, and

WHEREAS, the mitigation measures have been incorporated into the
approved project, and

WHEREAS, the Council has also reviewed and considered the adoption
of the Hetch Hetchy Bike Plan to provide for further implementation of the
"Modesto Bike Plan",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Planning and Community Development Director of the City of Modesto is
hereby directed to file or cause to be filed with the Stanislaus County Clerk
a Notice of Determination in regard to the environmental impact of the subject
project relating to the Hetch Hetchy Bike Plan.

BE IT FURTHER RESOLVED that the Hetch Hetchy Bike Plan to provide
for further implementation of the "Modesto Bike Plan" is hereby adopted, a
copy of said Plan is on file in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY Q. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-715

A RESOLUTION UPHOLDING CONDITION NO. 2 OF COUNCIL RESOLUTION NO. 91-235 RELATING TO THE RELOCATION OF MODESTO IRRIGATION DISTRICT POWER POLES ON OAKDALE ROAD, AND WAIVING CONDITION NO. 6 OF SAID COUNCIL RESOLUTION NO. 91-235 RELATING TO STREET IMPROVEMENTS ON ST. PAUL'S WAY (ST. PAUL'S CHURCH - P-D(147)).

WHEREAS, Resolution No. 91-235, adopted on April 23, 1991, approved a development plan for Planned Development Zone, P-D(147), to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), as an addition to P-D(147), to allow a Wells Fargo Bank and an elderly housing project, property located on the Southeast corner of Briggsmore Avenue and Oakdale Road, subject to certain conditions, and

WHEREAS, Ordinance No. 2761-C.S., which became effective on June 6, 1991, amended Sections 14-3-9 and 23-3-9 of the Zoning Map to reclassify property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(147), and amended Section 2 of Ordinance No. 1566-C.S., as previously amended by Ordinance Nos. 1839-C.S. and 2350-C.S., to add a Wells Fargo Bank and an elderly housing project on the Southeast corner of Briggsmore Avenue and Oakdale Road, and

WHEREAS, Modesto City Council Resolution No. 91-236, adopted on April 23, 1991, certified review of the findings of the Environmental Assessment Committee which resulted in a mitigated negative declaration in regard to the traffic impacts of the subject project, and

WHEREAS, by letter dated November 13, 1991, Mid-Valley Engineering, on behalf of St. Paul's Church, appealed the interpretation of the Public Works Department as to Condition No. 2, specifically 2(d), of Modesto City Council Resolution No. 91-235, and alternatively requested the City to bear
the financial burden of $20,000 to relocate the existing Modesto Irrigation power poles on Oakdale Road, as St. Paul's Church will incur additional costs in excess of $100,000 to accomplish the remainder of the project, and as to Condition No. 6 of Council Resolution No. 91-235, further requested relief from street improvements requirements consistent with Standard Specifications, specifically relating to street reconstruction or overlays, and

WHEREAS, said matter was considered by the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on November 19, 1991, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that the interpretation of the Public Works Department as to Condition No. 2, specifically No. 2(d), in said Council Resolution No. 91-235 relating to relocation of power poles on Oakdale Road, should be upheld for the following reasons:

1. City staff can find no legal argument or extenuating circumstance which would serve as a basis for the City to bear any or all of the cost to relocate the existing Modesto Irrigation power poles on Oakdale Road, as such action would be a gift of public funds.

2. Further, the condition that the utilities be relocated is a mitigation measure of the environmental (traffic) impacts of the project.

3. As a condition of approval of the parcel map, the applicant is required to widen Oakdale Road south of Briggsmore. The need for this widening was identified as a traffic mitigation measure in the applicant's traffic study. This is a necessary and legitimate cost of the Oakdale Road improvements and has been included in the applicant's project estimates since at least June 1991.
WHEREAS, the Council found and determined that special circumstances exist for granting the request as to the interpretation by the Public Works Department of Condition No. 6 in City Council Resolution No. 91-235 relating to street improvements on St. Paul's Way for the following reasons:

1. The development plan for P-D(147) provides for an ingress and egress facility directly from Briggsmore Avenue and when installed, will actually help the traffic situation on St. Paul's Way.

2. St. Paul's Way is unique in that the majority of traffic impacting the life of the street structural sections comes from the neighboring shopping center, and not from P-D(147).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, for the reasons set forth above, the interpretation of the Public Works Department as to Condition No. 2 of Council Resolution No. 92-235 relating to the requirement for relocation of the Modesto Irrigation power poles on Oakdale Road to provide right-of-way dedication requirements for a right turn lane is hereby upheld and the request of Mid-Valley Engineering, on behalf of St. Paul's Church, that the city bear the financial burden of $20,000 to relocate the existing Modesto Irrigation power poles on Oakdale Road, is hereby denied.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that special circumstances exist for granting the request as to the interpretation of Condition No. 6, and for the reasons set forth above, the Council hereby waives the requirement of street reconstruction or overlay paving of St. Paul's Way.

BE IT FURTHER RESOLVED that all other provisions of Council Resolution No. 91-235 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION DESIGNATING THE McCLURE COUNTRY PLACE LOCATED AT 800 McCLURE ROAD AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 21, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 16, that the McClure Country Place is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on November 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the McClure Country Place is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the McClure Country Place is located on property at 800 McClure Road, and more particularly described as follows:
All that portion of the Northwest quarter of the Northeast quarter of Section 25, Township 3 South, Range 9 East, M. D. B. & M., lying North of the centerline of Lateral No. 2 of the Modesto Irrigation District.

EXCEPTING THEREFROM all that portion situated Northerly of the centerline of Dry Creek, which portion is more particularly described as:

Beginning at the two inch pipe marking the North quarter corner of said Section 25; thence North $89°\ 21'$ East $199.20$ feet, more or less, along the North line of said Section 25 and the South line of Wycliffe as per Map filed in Vol. 19 of Maps, page 31, Stanislaus County Records, to the centerline of Dry Creek; thence southwesterly along the centerline of Dry Creek to the North-South quarter line of said Section 25; thence North 150 feet, more or less, along quarter section line to point of beginning.

ALSO EXCEPTING therefrom the Southerly 37½ feet by the interest conveyed to the Modesto Irrigation District from B. P. Hogin by Deed recorded June 29, 1903 in Vol. 87 of Deeds, page 55, Stanislaus County Records.

All that portion of the Northeast quarter of the Northeast quarter of Section 25, Township 3 South, Range 9 East, M. D. B. & M., lying North of the South line of a 75 foot wide strip of land conveyed to The Modesto Irrigation District for Lateral No. 2.

EXCEPTING THEREFROM the Southerly 75 feet by the interest conveyed to the Modesto Irrigation District from B. P. Hogin by Deed recorded June 29, 1903 in Vol. 87 of Deeds, page 55, Stanislaus County Records.

BE IT FURTHER RESOLVED that the McClure Country Place has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architecturally, it is significant as a typical farmstead in the Central Valley.

2. Historically, it was the homestead of the Hogin and McClure families.

3. It is economically feasible since it is owned by the City of Modesto.
BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works & Transportation Engineering

112291 -3- 11221CA2
A RESOLUTION DESIGNATING THE UNITED STATES POST OFFICE AND FEDERAL BUILDING LOCATED AT 1125 "I" STREET AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on August 19, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 17, that the United States Post Office and Federal Building is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on November 26, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the United States Post Office and Federal Building is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the United States Post Office and Federal Building is located on property at 1125 "I" Street, and more particularly described as follows:
Lots 9-16, Block 84, original City of Modesto, property is located on west corner of Twelfth and I Streets, with 200' frontage on Twelfth Street and 140' frontage on I Street.

BE IT FURTHER RESOLVED that the United States Post Office and Federal Building has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architecturally, it is a fine example of a Mediterranean classic-style building.

2. Historically, it was the main Post Office Building built in 1932-33.

3. It is economically viable in that it is used as a Post Office Branch and Federal Building.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.04(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Christmas

Public Works & Transportation Engineering
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE KANSAS AVENUE SEWER CONSTRUCTION FROM 8TH TO 99 FREEWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the Kansas Avenue sewer construction from 8th to 99 Freeway copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 19, 1991 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF RANCHWOOD CONTRACTORS FOR THE CONSTRUCTION OF RIVERSIDE PARK AND RIVERSIDE DRIVE

WHEREAS, Resolution No. 91-633, adopted by the Council of the City of Modesto on October 8, 1991, approved the plans and specifications for the construction of Riverside Park and Riverside Drive; and

WHEREAS, the bids received for the construction of Riverside Park and Riverside Drive were opened at 11:00 a.m. on October 31, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Ranchwood Contractors in the amount of $508,159.47 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ranchwood Contractors in the amount of $508,159.47 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY A. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-719

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. AND SANTO A. CARNABUCI dba NIBBLES FOR THE ADVERTISING CONCESSION AT THE AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Charles J. and Santo A. Carnabuci dba Nibbles for the advertising concession at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-720

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR A SECURITY ENTRY DOOR AND ESTIMATE REVENUE TO BE RECEIVED FOR PROJECT.

WHEREAS, changes in the FAA regulations deem it no longer necessary for category IV airports, like the Modesto Airport, to have a law enforcement officer assigned where passengers are processed, and

WHEREAS, the airlines now only monitor the passenger departure area during the time just prior to and during aircraft boardings, and

WHEREAS, this new procedure now necessitates that for security reasons, the airlines be able to close and lock the sterile area entrance between flights, and

WHEREAS, the City of Modesto Airport and the two airlines have agreed to share the cost of the installation of a glass storefront which will provide the required security,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

AIRPORT FUND (631)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Rev</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
</tr>
<tr>
<td>631-510-9510-8146</td>
<td>Airport Security Revenue</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>631-480-5412-5032</td>
<td>Horton Door System</td>
</tr>
<tr>
<td>631-800-8000-8003</td>
<td>Airport Contingency Reserve</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-721

A RESOLUTION MEETING U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS BY ADOPTING AN ENFORCEMENT RESPONSE PLAN (ERP) FOR INDUSTRIAL USER NONCOMPLIANCE.

WHEREAS, the Enforcement Response Plan (ERP) is a plan explaining what actions can be taken against an industry for violating its permit, the City's Municipal Code, and/or Federal and State regulations, and

WHEREAS, enforcement will be handled by Public Works staff through notices of violation, fines assessed, and Administrative Orders, and

WHEREAS, Environmental Protection Agency's 40 CFR 403.8(F)(5), adopted July 1990, requires every city to have an ERP by January 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts an Enforcement Response Plan for industrial user noncompliance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

112691 11232CA2
MODESTO CITY COUNCIL
RESOLUTION NO. 91-722

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND CALDWELL CONSULTANTS TO PROVIDE DESIGN SERVICES FOR IMPROVEMENTS TO THE DISSOLVED AIR FLOTATION THICKENERS AT THE WASTEWATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brown and Caldwell Consultants to provide design services for improvements to the Dissolved Air Flotation Thickeners at the Wastewater Treatment Plant be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Affirmative Action Officer
Senior Crime Analyst/Crime Analyst
Public Improvement Specialist

The specifications for the classification of Affirmative Action Officer (Range 431), as shown on the attached Exhibit "A", Senior Crime Analyst/Crime Analyst (Range 130), as shown on the attached Exhibit "B", and Public Improvement Specialist (Range 128), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of
Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Social Services Coordinator
Fire Battalion Chief
Fire Division Chief

The revised specifications for the classification of Social Services Coordinator (Range 428), as shown on the attached Exhibit "D", and Fire Battalion Chief (Range 512), as shown on the attached Exhibit "E", and Fire Division Chief (Range 517), as shown on the attached Exhibit "F", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Data Processing Technician

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after November 26, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
AFFIRMATIVE ACTION OFFICER

DEFINITION

To develop, implement, and coordinate the City's Affirmative Action Program; ensure City compliance with all relevant laws and policies; and perform other related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from department head.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Administer the City's Affirmative Action Programs, which include EEO (Equal Employment Opportunity) compliance, contractor compliance and related programs and systems; monitor program compliance and produce required reports; manage the automation of program data; develop and recommend City rules and regulations relating to affirmative action; provide consultation, education, and training programs on affirmative action issues and policies to City staff.

Investigate and facilitate the resolution of discrimination and harassment complaints and develop procedures which create a non-discriminatory work environment.

Provide staff support to the Affirmative Action Commission.

Plan and participate in recruitment outreach, particularly when underutilization is a concern; coordinate with departments on affirmative action issues; monitor affirmative action progress.

Monitor personnel actions and activities (e.g. recruitments, appointments, promotions, retentions, and terminations) for affirmative action purposes; oversee the development of special employment programs.

Monitor legislation and litigation.

Serve as the City's representative to Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities.

Make oral presentations before community groups and City officials.

Serve as the City's advocate in equal employment matters.

Interact closely with City officials, staff, citizens, and community organizations.

Apply specialized knowledge and judgment in recommending actions to be taken on complex, technical, and sensitive issues.

Conduct audits or classification studies for purposes of validating job standards, removal of artificial barriers or the development of specialized classifications.
Participate in recruitments in furtherance of affirmative action goals; perform test development activities and adverse impact analyses; coordinate and administer examinations; respond to recruitment or examination complaints.

Act as liaison to the community, professional organizations, and educational institutions, and respond to requests for information on job opportunities, professional development, and work-study programs.

QUALIFICATIONS

Knowledge of:

Pertinent Federal, State and local laws, court decisions, and administrative guidelines relating to affirmative action and equal employment opportunity.

Principles and practices of analysis and statistical methodology.

Principles and practices of organization, administration and personnel management.

Technical writing styles and English composition fundamentals.

Ability to:

Provide effective program development and implementation in the area of affirmative action.

Maintain the City's compliance with all reporting and other requirements.

Develop and maintain harmonious working relationships with contractors, enforcement agencies, and community organizations; interact effectively with personnel at all levels.

Analyze problems and identify alternative solutions; project consequences of proposed actions and implement recommendations in support of goals.

Work with and control sensitive and confidential information; provide appropriate sensitivity to multi-cultural issues.

Communicate clearly and concisely, both orally and in writing.
Experience and Training Guidelines

Experience:

Two years of increasingly responsible experience in affirmative action, personnel, public administration, or human resources programs.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in social science, public administration, business administration, industrial relations, human resources management, or a related field.
CRIME ANALYST
SENIOR CRIME ANALYST

DEFINITION

To analyze crime reports, collect data, conduct planning and make recommendations for manpower deployment; and to perform research, statistical, and other analytical work.

DISTINGUISHING CHARACTERISTICS

Crime Analyst - This is the entry level class in the Crime Analyst series. This class is distinguished from the Senior Crime Analyst by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Senior Crime Analyst - This is the full journey level class within the Crime Analyst series. Employees within this class are distinguished from the Crime Analyst by the performance of the full range of duties as assigned, as well as performance of the more complex analytical assignments. Positions in this class are normally filled by advancement from the entry level, or, when filled from the outside, prior work experience directly related to the area of assignment is highly desirable.

SUPERVISION RECEIVED AND EXERCISED

Crime Analyst - Receives direction from a Police Captain. May exercise functional and technical supervision over lower level clerical staff.

Senior Crime Analyst - Receives direction from a Police Captain and the Drug Enforcement Agency (DEA). Exercises functional and technical supervision over crime analysts.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, recommend, and evaluate crime report forms; analyze and review crime reports.

Make recommendations concerning the allocation of employees to combat criminal activity including the discovery of investigative leads.

Review and respond to police requests for services; provide input to and coordination with City data processing unit.

Respond to citizen requests in person and on the phone; maintain public contacts to gather information and promote goodwill.
EXAMPLES OF DUTIES (Crime Analyst - continued)

Assist in Department training programs.

Organize and display data and information in the form of diagrams, graphs and charts; respond to public and press requests and inquiries.

Enter and manipulate data using a computer.

Coordinate activities with members of outside law enforcement agencies.

Testify in court as required.

Provide statistical analysis of productivity and other related subjects.

Make oral and written reports as required.

Perform related duties as assigned.

Senior Crime Analyst

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following (in addition to the duties of Crime Analyst):

Perform high level association analyses involving interstate and international organizations.

Work with federal organized crime task forces.

Identify crime patterns from analysis of data, including Visual Investigation Analysis (VIA) and Program Evaluation and Review Techniques (PERT charting).

Crime Analyst

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration, and management.

English composition, spelling, grammar, and punctuation at college-level usage.

Technical report writing styles.

Effective research methods and practices.

Basic statistics and methods of graphic presentation.

Modern office procedures, methods, and computer equipment.
QUALIFICATIONS (Crime Analyst - continued)

Ability to:

Understand and follow oral and written instructions.
Gather data, separate facts and assumptions, and prepare recommendations.
Prepare statistical charts, graphs, and exhibits.
Speak and write effectively.
Perform technical report writing with a high degree of skill and clarity.
Learn to prepare completed staff work for oral and written presentations.
Work in harmony with other members of City staff.
Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:
One year of increasingly responsible analytical staff work.

Training:
Equivalent to a Bachelor's degree from an accredited college or university with major course work in administration of justice, criminology, or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate and valid California driver's license.
Senior Crime Analyst

QUALIFICATIONS - (In addition to the qualifications for Crime Analyst)

Knowledge of:
Automated data systems, at the journey level.
Effective research methods and skills in performing analysis.
Basic principles of investigative techniques.
The criminal justice process.
Public and private sources of information for the purposes of investigation.

Ability to:
Testify in court as an expert in crime analysis.
Make formal presentations using data, charts, and graphs.
Perform analysis of white collar crime.
Work closely with assigned investigator.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:
Three years of increasingly responsible analytical and research staff work, preferably with a law enforcement agency.

Training:
Equivalent to a Bachelor's degree from an accredited college or university with major course work in administration of justice, criminology, or a related field.

License or Certificate
Possession of, or ability to obtain, an appropriate and valid California driver's license.
PUBLIC IMPROVEMENT SPECIALIST

DEFINITION
To perform advanced technical engineering work including office engineering and related duties; to perform paraprofessional engineering work in connection with engineering design and development review of projects; to administer and perform a variety of special projects requiring analysis and interpretation.

SUPERVISION RECEIVED AND EXERCISED
Receives direction from higher level engineering and administrative staff. May exercise technical supervision over lower-level public works staff.

DISTINGUISHING CHARACTERISTICS
This is a specialized class in the permits section of the Public Works Department. Incumbents are typically assigned to water, sewer and utilities; curb, gutter, sidewalk and alley programs; or subdivision review, but are expected to be proficient in all areas. Incumbents perform a wide variety of duties requiring the use of independent judgment and discretion. Performance of duties requires familiarity with engineering principles, methods, and terminology and may include design work. Incumbents work extensively with the public and other agencies.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Receive requests for permits from other City departments and divisions, developers, public agencies and individuals; review permit requests and determine requirements; research City records to determine fees due; identify existing and needed utilities and connections; review plans and note discrepancies between plans, City records, and code requirements.

Apply fee structure to determine appropriate fees. Calculate fees and notify applicant.

Provide information about permit requirements, fees, Code provisions and related information. Answer questions regarding denial of permits and other issues.

Interpret and explain requirements for the installation of public improvements; collect data and prepare and present oral and written correspondence as related to encroachment and other public improvements within the public right of way.

Gather, analyze and compile data and prepare a variety of technical, statistical and administrative reports and studies for Council regarding special projects, problems and requests; prepare Council agenda items.

Administer mandatory sidewalk and alley programs; identify improvements. Design sidewalk and alley improvements; prepare specifications and formal and informal requests for bids.

Issue purchase orders for curb, sidewalk and alley improvements; recommend payments for contracts.
EXAMPLES OF DUTIES (continued):

Meet with citizens regarding mandatory sidewalk program, mandatory sewer program, drainage problems, sidewalk and curb repair. Investigate complaints regarding fees and improvements; recommend resolution of complaints.

Determine material and labor costs for Public Works and Transportation service fees; recommend fees increases.

Provide information to the public regarding parcel and subdivision fees letters, subdivision agreements, improvement bond estimates, easements, property and rights of way acquisition documents.

Assist in developing, disseminating and applying division policies and procedures.

Collect data, coordinate and administer updates to the Public Works Standard Specifications.

May design and prepare plans, specifications and cost estimates for curb, gutter, sidewalk and other segments of public works projects.

May prepare quantity estimates and horizontal and vertical alignment computations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws, codes, regulations and specifications.

Principles and practices of administrative, statistical and financial recordkeeping.

Principles and techniques of public relations and oral and written communication.

Civil engineering design, mapping and drafting procedures. Standard engineering and construction principles and terminology.

Construction materials, practices, and cost estimating procedures.

Methods and techniques for preparation of plans, specifications and bid documents.

Principles of algebra, plane geometry and trigonometry.

Standard methods and techniques for gathering and analyzing data and preparing reports. Computer applications.
QUALIFICATIONS (continued)

Ability to:

Establish and maintain effective working relationships with managers, co-workers and members of the public.

Prepare and present reports effectively, both orally and in writing; prepare documents, including agreements, and legal descriptions of property.

Identify and work effectively with sensitive, confidential information.

Interpret and apply Federal, State and local standards, specifications, ordinances, and regulations.

Calculate and administer fees and permits accurately.

Analyze problems and assignments, gather and analyze data, identify solutions, recommendations and consequences; implement recommendations and prepare and present reports.

Perform standard engineering calculations.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible office engineering experience. Prior administrative and analytical experience is highly desirable.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering or a related field. Additional course work in business or public administration is highly desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.
SOCIAL SERVICES COORDINATOR

DEFINITION

To provide a broad variety of social services to the public, including referral services, family, drug abuse, marital, egal and employment counseling; and to provide responsible and complex administrative support to the Recreation Supervisor.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Recreation Supervisor II.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

- Meet with the public and respond to a variety of questions regarding educational or employment opportunities, legal and housing requirements and regulations; refer to appropriate agencies as necessary.

- Provide services to the public including family, drug and alcohol abuse and marital counseling.

- Coordinate with other community agencies to assist in providing services.

- Assist in the evaluation of social service programs in the community.

- Contact local organizations and private businesses to promote job development opportunities.

- Attend a variety of community meetings to ensure programs reflect the needs of the community.

- Prepare and maintain a variety of records, files and statistics.

- Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Laws, rules and regulations relating to social welfare, criminal justice, local, State and Federal programs, policies and funding practices.

Evaluation and modification of social service programs to meet the needs of the community.

Methods of communication and interpersonal relations.

English usage, grammar, punctuation and spelling.

Procedures and techniques for dealing with the public in a tactful but firm manner.

Principles and procedures of recordkeeping.

Ability to:

Identify community and individual concerns and respond with recommendations on course of action.

Refer individuals as appropriate to proper agency.

Maintain a variety of reports and statistical data.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in community service activities, preferably including counseling or related experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in education, counseling, sociology or a related field.
FIRE BATTALION CHIEF

DEFINITION
To command a City Fire Suppression Platoon during an assigned shift; to supervise and serve as chief field officer in directing the response, readiness and activities of multiple fire companies; and to provide administrative support to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED
Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over assigned sworn and non-sworn personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Recommend goals and objectives; assist in the development of and implementation of policies and procedures.

Manage, supervise and coordinate Operations activities including fire suppression, communications and training.

Supervise and coordinate fire suppression companies on an assigned shift; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Manage, supervise and instruct department training programs.

Interpret and apply departmental policies and procedures; enforce staff compliance.

Prepare and review forms, reports, schedules, recommendations and other administrative records related to fire suppression, training or other special programs as assigned.

Prepare special research reports and develop programs as assigned, including public education.

Command fire fighting activities in response to fire alarms; determine route to be taken; decide on the methods of combating fires; direct fire fighting until relieved by the Fire Chief.

Supervise the laying and connection of hose, direction of water streams, placement of ladders, ventilation of buildings, rescue of persons, and first aid salvage operations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Perform related duties as assigned.

Exhibit "E"
QUALIFICATIONS

Knowledge of:

Modern fire suppression, training and administrative principles, methods, practices and techniques.

Rules, regulations and operational procedures of the Fire Department related to modern firefighting activities.

Proper utilization and maintenance requirements of fire apparatus, equipment, tools, devices and facilities.

Principles and practices of supervision, training and personnel management.

Department policies, rules and regulations.

Local geography including the location of water mains and hydrants and the major fire hazards of the City.

Ability to:

Conduct training and demonstrate effective use of equipment and apparatus.

Prepare operational work records and reports.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Make technical and emergency decisions quickly and calmly under emergency conditions.

Plan, assign, supervise and evaluate work of subordinates.

Communicate effectively, both orally and in writing.

Supervise, train and evaluate assigned staff.

Establish and maintain cooperative working relationships with those contacted in the course of work.
Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

**Experience:**

Two years of increasingly responsible experience comparable to that of a Fire Captain.

**Training:**

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, fire administration, public administration, business administration or a related field.

**License or Certificate**

Possession of, or ability to obtain, an appropriate, valid California driver's license.
FIRE DIVISION CHIEF

DEFINITION

To manage, direct and coordinate the activities of a major division including Support Services, Fire Prevention, and Operations; to coordinate division activities with other divisions and departments; and to provide highly complex staff assistance to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Chief.

Exercises direct supervision over lower level division staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

- Recommend goals and objectives; assist in the development of policies and procedures.

- Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

- Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

- Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

- Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

- Respond to emergencies as required.

- Perform related duties as assigned.

When assigned to Support Services:

Manage, direct and organize Support Services Division activities including community emergency preparedness, equipment repair, supply and maintenance, purchasing and budget control, fire station maintenance, mapping and run cards, affirmative action, public information, and other programs as assigned.
When assigned to Fire Prevention:

Manage, direct and organize fire prevention activities, including: inspection of residential, commercial, industrial, institutional, public assembly, and public lodging facilities to obtain compliance with all applicable Federal, State and local laws and ordinances; investigation on all fires to determine cause, origin, and damages; investigation of all suspected arson fires and pursue to conclusion; maintenance of records of fire losses, inspections, investigations, fire deaths, and injuries; plan check of building fire suppression and detection systems; inspection and control of hazardous materials; review of annexations and subdivisions; and other programs as assigned.

When assigned to Fire Suppression:

Manage, direct and organize Fire Suppression Division activities including: suppression of all fires; abatement of hazardous material incidents; delivery of first responder emergency medical services; department training programs; company fire prevention programs; communications; personnel coordination; fire hydrant maintenance; and other programs as assigned.

QUALIFICATIONS

Knowledge of:

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Modern principles of Fire Department administration.

Modern principles and practices of fire prevention and suppression.

Use and maintenance of fire fighting equipment and apparatus.

Safe work practices.
Ability to:

Organize, direct and implement a variety of division programs.
Handle delicate and confidential information and matters.
Prepare and administer a budget.
Supervise, train and evaluate assigned staff.
Establish and maintain cooperative working relationships with those contacted in the course of work.
Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible experience comparable to that of a Fire Battalion Chief.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, public administration, business administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-724

A RESOLUTION APPROVING A REVISED CLASS RANGE TABLE FOR
GENERAL NON-SWORN CLASSES, RESCINDING RESOLUTION NOS.
90-607, 90-688, 90-790, 90-928, 90-955, 91-206, AND 91-461; AND AMENDING EXHIBIT "G" OF RESOLUTION NO. 91-464
ENTITLED, IN PART, "A RESOLUTION GRANTING A SALARY
INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES,
INCLUDING COUNCIL APPOINTEES", AND RESCINDING RESOLUTION
NO. 91-498.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. REVISED CITY OF MODESTO CLASS RANGE TABLE GENERAL
NON-SWORN CLASSES. Exhibit "A" entitled "City Of Modesto Class Range Table
General Non-Sworn Classes, Effective November 26, 1991," which is attached
hereto and made a part hereof as though set forth in full herein, adds two
newly created positions to the Class Range Table: Public Improvement
Specialist at Salary Range 128, and Senior Crime Analyst at Salary Range 130.
Said Exhibit "A" is hereby approved.

SECTION 2. REPEALS. Resolution Nos. 90-607, 90-688, 90-790,
90-928, 90-955, 91-206, and 91-461 are hereby rescinded.

SECTION 3. AMENDMENT TO RESOLUTION NO. 91-464. Exhibit "G"
entitled "City of Modesto Class Range Table Management and Confidential
Non-Sworn Classes Effective July 3, 1991", attached to Resolution No. 91-464,
is hereby amended as shown on the amended Exhibit "G" entitled, "City of
Modesto Class Range Table Management and Confidential Non-Sworn Classes
Effective November 26, 1991," which is attached hereto and made a part hereof
as though set forth in full herein. Said amended Exhibit "G" adds the
Affirmative Action Officer to the Class Range Table at Salary Range 431.

SECTION 4. REPEALS. Resolution No. 91-498 is hereby rescinded.

SECTION 5. EFFECTIVE DATE. This resolution shall become effective
on and after November 26, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
# EXHIBIT A

## CITY OF MODESTO

### CLASS RANGE TABLE

#### GENERAL NON-SWORN CLASSES

Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>103</td>
<td>Administrative Clerk I&lt;br&gt;Printing Services Operator I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Printing Services Operator II&lt;br&gt;Administrative Clerk II&lt;br&gt;Animal Control Officer I&lt;br&gt;Custodian</td>
</tr>
<tr>
<td>108</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Police Clerk&lt;br&gt;Data Processing Technician</td>
</tr>
<tr>
<td>110</td>
<td>Maintenance Worker I&lt;br&gt;Equipment Service Worker I</td>
</tr>
<tr>
<td>111</td>
<td>Account Clerk&lt;br&gt;Sr. Printing Service Operator&lt;br&gt;Animal Control Officer II&lt;br&gt;Evidence &amp; Property Specialist</td>
</tr>
<tr>
<td>112</td>
<td>Code Enforcement Officer I</td>
</tr>
<tr>
<td>113</td>
<td>Computer Operator&lt;br&gt;Administrative Technician&lt;br&gt;Drafting &amp; Graphics Technician</td>
</tr>
<tr>
<td>114</td>
<td>Electrical Technician I&lt;br&gt;Storeskeeper&lt;br&gt;Maintenance Worker II&lt;br&gt;Fire Supply Specialist&lt;br&gt;Equipment Service Worker II</td>
</tr>
</tbody>
</table>

---

Exhibit "A"
# GENERAL NON-SWORN CLASSES

Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
Planning Technician I  
Wastewater Treatment Plant Attendant  
Community Service Officer  
Assistant to the Events Coordinator |
| 116   | Code Enforcement Officer II  
Equipment Operator  
Fire Prevention Technician I  
Meter Reader/Repair Worker  
Motor Sweeper Operator  
Parking Meter Worker  
Traffic Painter  
Traffic Sign Worker  
Water Line Worker |
| 117   | Electrical Technician II |
| 118   | Tree Trimmer  
Senior Storeskeeper  
Street Trees Crewleader  
Parking Lot Maintenance Crewleader  
Parks Crewleader |
| 119   | Maintenance Mechanic - Parks  
Planning Technician II  
Maintenance Mechanic - Pumps  
Wastewater Treatment Plant Operator  
Civil Engineering Technician I  
Building Maintenance Mechanic  
Police Administrative Assistant |
| 120   | Welder/Fabricator  
Senior Equipment Operator  
Fire Prevention Technician II  
Equipment Mechanic  
Assistant Electrician  
Traffic Painter Crewleader  
Accountant I  
Assistant Lab Technician |
# EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>121</td>
<td></td>
</tr>
</tbody>
</table>
| 122   | Coach Mechanic  
       | Fire Equipment Mechanic  
       | Nursery Propagator  
       | Tree Trimmer Crewleader  
       | Programmer Analyst I  
       | Industrial Waste Inspector I  
       | Cross Connection Specialist |
| 123   | Sr. Wastewater Treatment Plant Operator  
       | Maint. Mech. Crewleader - Pumps  
       | Civil Engineering Technician II  
       | Maint. Mech. Crewleader - Parks |
| 124   | Plant Mechanic  
       | Laboratory Technician  
       | Equipment Mechanic Crewleader  
       | Planning Assistant  
       | Equipment Crewleader  
       | Community Development Program Specialist |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
       | Building Inspector I  
       | Electrician  
       | Housing Rehab. Specialist I  
       | Housing Financial Specialist  
       | Industrial Waste Inspector II  
       | Senior Fire Equipment Mechanic |
| 127   | Civil Engineering Assistant  
       | Landscape Technician |
| 128   | Instrument Repair Technician  
       | Programmer Analyst II  
       | Public Improvement Specialist |
| 129   |       |
| 130   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Spec. II  
       | Hazardous Materials Inspector  
       | Senior Crime Analyst |
### CITY OF MODESTO
### CLASS RANGE TABLE
### GENERAL NON-SWORN CLASSES

**Effective November 26, 1991**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>131</td>
<td>Sr. Civil Engineering Asst.</td>
</tr>
<tr>
<td>132</td>
<td></td>
</tr>
</tbody>
</table>
# Exhibit G

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  

Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Clerk I (Confidential)</td>
</tr>
<tr>
<td>404</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>405</td>
<td>Administrative Clerk III (Confidential)</td>
</tr>
<tr>
<td>406</td>
<td>Word Processing Technician I</td>
</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td>Word Processing Technician II</td>
</tr>
<tr>
<td>409</td>
<td>Microfilm Services Supervisor</td>
</tr>
<tr>
<td>410</td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>411</td>
<td>Senior Word Processing Technician</td>
</tr>
<tr>
<td>412</td>
<td>Secretary</td>
</tr>
<tr>
<td>413</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td>414</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>415</td>
<td>Worker's Compensation Claims Representative</td>
</tr>
<tr>
<td>416</td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td>417</td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td>418</td>
<td>Office Services Supervisor</td>
</tr>
<tr>
<td>419</td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td>420</td>
<td>Executive Secretary</td>
</tr>
</tbody>
</table>

Exhibit "G"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422 Office Supervisor</td>
<td></td>
</tr>
<tr>
<td>423 Word Processing Systems Supervisor</td>
<td></td>
</tr>
</tbody>
</table>
| 424 Assistant Planner  
Asst. City Clerk/Auditor |
| 425 Police Records Supervisor  
Administrative Analyst I  
Executive Assistant  
Legal Services Supervisor |
| 426 Warehouse Supervisor  
Museum Supervisor |
| 427 Events Supervisor |
| 428 Zoning Inspector  
Parks Maintenance Supervisor I  
Airport Maintenance Supervisor  
Trees Maintenance Supervisor I  
Equipment Maintenance Supervisor  
Social Services Coordinator  
Buyer  
Accountant II  
Assistant Budget Analyst  
Public Works Supervisor I |
| 429   |       |
| 430 Associate Planner  
Parks Construction Supervisor I |
| 431 Administrative Analyst II  
Affirmative Action Officer  
Personnel Analyst  
Training Coordinator  
Assistant Risk Manager  
Recycling Program Coordinator  
Budget Analyst |

Effective November 26, 1991
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Plant Mechanic Supervisor  
|       | Recreation Supervisor II  
|       | Historical Buildings Supervisor  
|       | Assistant Civil Engineer  
|       | Senior Accountant  
|       | Youth Program Supervisor  
|       | Assistant Traffic Engineer |
| 433   | Senior Programmer Analyst  
|       | Electrical Supervisor  
|       | Assistant Equipment Maint. Supv.  
|       | Engineering Systems Manager  
|       | Sr. Housing Rehab. Specialist  
|       | Public Works Supervisor II  
|       | Building Maintenance Supervisor  
|       | Secondary Treatment Site Supv.  
|       | Parks Maintenance Supervisor II  
|       | Events Coordinator  
|       | Operations Supervisor  
|       | Landscape Designer  
|       | Arborist  
|       | Trees Maintenance Supv. II  
|       | Land Surveyor |
| 435   | Management Analyst  
|       | Deputy City Attorney I  
|       | Senior Personnel Analyst  
|       | Public Information Officer  
|       | Public Services Supervisor  
|       | Budget Officer  
|       | Financial Analyst |
| 436   | Senior Planner  
|       | Parks Construction Supervisor II |
| 437   | Property Agent |
| 438   | Equipment Maintenance Supt.  
|       | Asst. Water Quality Control Supt.  
|       | Associate Civil Engineer  
|       | Transportation Planner  
|       | Housing Program Supervisor |
| 439   | Deputy City Attorney II |

072391
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective November 26, 1991

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 440   | Principal Accountant  
Purchasing Officer |
| 441   | Community Development Program Manager  
Sr. Deputy City Attorney I  
Airport Manager  
Solid Waste Program Manager  
Transit Manager  
Streets Maintenance Supt.  
Parking & Traffic Supt.  
Parks Maintenance Supt.  
Risk Manager  
Assistant Personnel Director  
Recreation Superintendent  
Golf Superintendent |
| 442   | Supv. Building Inspector  
Finance Data Processing Manager  
Supv. Construction Inspector |
| 443   | Deputy Chief Bldg. Official |
| 444   | Water Quality Control Supt.  
Principal Planner |
| 445   | Finance Division Manager |
| 446   | Senior Civil Engineer  
Traffic Engineer |
| 447   | Chief Building Official  
Assistant to City Manager  
Asst. Parks & Recreation Dir. |
| 448   | Sr. Deputy City Attorney II |
| 449   | |
| 450   | Deputy Director Public Works - Engineering  
Deputy Director Public Works - Operations  
Deputy Director Public Works - Transportation |
| 451   | |
| 452   | Assistant City Attorney |

072391
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-725

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 89-43 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(460). (MARK POWELL)" FOR A TWO-STORY MEDICAL/PROFESSIONAL OFFICE BUILDING AT THE SOUTHWEST CORNER OF JUDITH LANE AND TIMOTHY AVENUE. (ROGER RULE)

WHEREAS, the City Council, by Ordinance No. 2632-C.S., which was introduced on January 17, 1989, finally adopted on January 24, 1989, and which became effective on February 23, 1989, amended Section 17-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(460), to allow a 9,000 square feet medical office building, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, City Council Resolution No. 89-43, which was adopted on January 17, 1989, approved a development plan for P-D(460) to allow a 9,000 square feet medical office building, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(460) was filed by Roger Rule on September 6, 1991, to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below, property located on the southwest corner of Judith Lane and Timothy Avenue, and

WHEREAS, after a public hearing held on November 4, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 91-68, that an amendment to P-D(460) to allow a two-story building to contain offices
on the second floor and off-street parking on ground-level below as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed office development conforms to the General Plan in that it adds to medical office concentrations near the Doctors Medical Center and its location as a transition between the McHenry strip and the residential area to the west conforms to the implementation strategy for offices as outlined in the General Plan.

2. The revised plan properly addresses the need for privacy to the adjoining residential properties by view-obscuring louvered panels and screen walls as and also mitigates the visual impact of the building mass by virtue of city street trees and additional screen landscaping along the west property line adjoining an alley.

WHEREAS, the requested amendment to P-D(460) to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below was set for a public hearing before the City Council at its regular meeting place on December 3, 1991, and

WHEREAS, after said public hearing held on December 3, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Roger Rule to amend P-D(460) to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 91-68 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 89-43 entitled "A Resolution Approving a Development Plan for Planned Development Zone,
P-D(460)" are hereby amended to read as follows to allow a two-story building to contain offices on the second floor and off-street parking on ground-level below:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(460), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan - Timothy and Judith" as amended in red, stamped approved by the Planning Commission on November 4, 1991.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan including a plan to assure maintenance of existing street trees shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Eight-foot-high solid decorative masonry wall along the west property line.
   b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters 16 foot on centers, or stucco wall with masonry pilasters 16 foot on centers, or masonry wall along the south property line.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil
engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit the developer shall dedicate public utility easements and planting easements as required by the utility companies and the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

12. All signs shall comply with the sign requirements of the P-O Zone.

13. All conditions of City Council Resolution No. 89-43 not in conflict with this action shall remain in full force and effect.

14. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, actions, or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(460):

The entire construction program be accomplished in one phase, construction to begin on or before November 4, 1993, and completion to be not later than November 4, 1994."
BE IT FURTHER RESOLVED that all of the other provisions of Council Resolution No. 89-43, not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-726

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT  
AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT  
DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE  
ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(460)  
PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JUDITH LANE  
AND TIMOTHY AVENUE. (ROGER RULE)

WHEREAS, on December 3, 1991, the City Council introduced  
Ordinance No. 2797-C.S. giving approval to a project relating to an  
amendment to Planned Development Zone, P-D(460), property located on the  
southwest corner of Judith Lane and Timothy Avenue, and  

WHEREAS, the City Council certifies that at said Council meeting it  
reviewed and considered the findings of the City of Modesto Environmental  
Assessment Committee which resulted in a negative declaration in regard to the  
environmental impact of the subject project,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Director of Planning and Community Development of the City of Modesto  
is hereby directed to file or cause to be filed with the Stanislaus County  
Clerk a Notice of Determination in regard to the environmental impact of the  
subject project relating to an amendment to Planned Development Zone,  
P-D(460), property located on the southwest corner of Judith Lane and Timothy  
Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ---------------------,-'19-----, adopt its Resolution No, -----------, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ______ curbs and ______ sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3 , 1991, at 7:30 O'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,400.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,400, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 190 feet of the West 95 feet of the East 115 ft. of Lot 13 of Brichmans Addition as per map filed Oct. 9, 1889, in Vol. 1 of Maps, Pg. 32, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-168-030-1243-121)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-728


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on --------------, 19--, adopt its Resolution No. --------, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ____________ sidewalk ____________ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $939.00__________.
SECTION 2. That the cost of the aforesaid work, being the amount of $939.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 137.0 feet of the East 182.0 feet of the North 92.0 feet of the South 485.2 feet of Lot 43 of Broughton Colony as per map filed 3/17/04 in Vol. 1 of Maps, Pg. 78, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 002-001 034-0202-121)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JULY A. HALF, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-729


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on _______________ 19___, adopt its Resolution No. ____________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of __________________________ sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 19___, at 7:30 o'clock P.M. in the Council Chambers, Located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $433.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $433.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 11 in Block 2325 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3302-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(Installment)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ________________-19---, adopt its Resolution No. __________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ___sidewalk___ on property abutting the property hereafter described; and

WHEREAS, ________________-19---, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $489.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 12 of Bl. 2325 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor's Parcel No. 002-001 033-3303-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
Judy C. Hall, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-731


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and
WHEREAS, the Council did, on ------------------------, 19---, adopt its Resolution No. ---------, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and
WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of _____________ on property abutting the property hereafter described; and
WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and
WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $489_________.
SECTION 2. That the cost of the aforesaid work, being the amount of $489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Installment)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk and curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,679.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,679.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at a point 242.31' North and 20' East of the SW corner of Lot 5 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2 of Maps, Pg. 3, Stan. Cty. Records; thence North 65'; thence East 139.98'; thence South 65'; thence West 140.00' to the point of beginning.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-733


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk and curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,329.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $2,329.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at a point 121.155' North and 20' East of the SW corner of Lot 5 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2 of Maps, Pg. 3, Stan. Cty. Records; thence North 121.55'; thence East 371.575'; thence South 121.55'; thence West 377.15' to the point of beginning.


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ___sidewalk and___curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,429.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $2,429.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-735


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on -------------, 19----, adopt its Resolution No. -----------, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ___________________ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,025.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $2,025.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 in Block 2257 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JUDY C. HALL, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-736


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ____________, 19____, adopt its Resolution No. ____________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ___________ on property abutting the property hereafter described; and

WHEREAS, __________, December 3________, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,349.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,349.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 in Bl. 2258 of Alta Vista Tract No. 2 as per map filed 5/15/47 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.
(Stan. Cty. Assessor’s Parcel No. 002-001 116-8918-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December , 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. WALL, Acting City Clerk

(Installment)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,453.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $2,453.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
(Regular)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,162.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,162.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


Stan. Cty. Assessor's Parcel No. 002-001 112-4537-261

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-739


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on 19----, adopt its Resolution No. ________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of _________ on property abutting the property hereafter described; and

WHEREAS, _______, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,131.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,131.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(Installment)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,405.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,405.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The East 48 feet of the West 50 feet and the West 2 feet of the South 137.98 feet of Lot 12 and the South 137.98 feet of the East 50 feet of Lot 11 of Block 645 of Bussinger Tract as per map filed Dec. 13, 1920 in Vol. 9 of Maps, Pg. 48, Stan. Cty. Records.

Stan. Cty. Assessor's Parcel No. 002-001 112-4548-261

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-741


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,162.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,162.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


Stan. Cty. Assessor's Parcel No. 002-001 112-4539-121

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Regular)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ___________1991__________ , adopt its Resolution No. ___________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of _____________ on property abutting the property hereafter described; and

WHEREAS, __________ December 3 , 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $489.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $489.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ____________, 19__, adopt its Resolution No. ____________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk_______________ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,185.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,185.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:


(Stan. Cty. Assessor's Parcel No. 002-001 033-3125-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-744


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ______________; 19________, adopt its Resolution No, ___________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of ____________________ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of ___$674.00______.
SECTION 2. That the cost of the aforesaid work, being the amount of $674.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 64.72 feet of Lot 10 in Bl. 3079 of Uccello Manor Subdivision as per map filed 4/14/53 in Vol. 17 of Maps, Pg. 56, Stan. Cty. Records. (Stan. Cty. Assessor’s Parcel No. 002-001 037-4815-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,012.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,012.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 7 and the North 10 feet of Lot 8 of Bl. 6010 of Chapin Tract No. 1 as per map filed Aug. 31, 1946 in Vol. 14 of Maps, Pg. 73, Stan. Cty. Records.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-746


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $780.00.

1993-157

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.
SECTION 2. That the cost of the aforesaid work, being the amount of $780.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Bl. 6010 of Chapin Tract No. 1 as per map filed Aug. 31, 1946 in Vol. 14 of Maps, Pg. 73, Stan. Cty. Records.


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Regular)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-747


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,418.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $2,418.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 110.51 feet of the East 130.51 feet of the North 109.70 feet of Lot 5 of Resubdivision of Lots 21 and 22 of Mensinger Colony as per map filed April 15, 1927 in Vol. 11 of Maps, Pg. 2, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-001 031-1322-121)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-748


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,537.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,537.00, shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The West 110.00 feet of the East 130.00 feet of the South 55.00 feet of Lot 4 of Resubdivision of Lots 21 and 22 of Mensinger Colony as per map filed April 15, 1927 in Vol. 11 of Maps, Pg. 2, Stan. Cty. Records.


SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven (7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 of the California Streets and Highways Code, it is hereby ordered that the notice of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(Regular)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on November 14, 1989, adopt its Resolution No. 89-1115, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of curb and sidewalk on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $2,195.00.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-750


WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on ________________, 19__, adopt its Resolution No. ____________, ordering the installation of certain improvements along certain streets in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements; and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of __________ sidewalk __________ on property abutting the property hereafter described; and

WHEREAS, December 3, 1991, at 7:30 o'clock P.M., in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of $1,589.00.
SECTION 2. That the cost of the aforesaid work, being the amount of $1,589.00, be assessed in annual installments and shall constitute a special assessment against the parcel(s) of property fronting upon the work so constructed, and that a notice of lien for the amount thereof shall be recorded.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The south 63 feet of Lot 22 of Bl. 3084 of Uccello Manor as per map filed 4/14/53 in Vol. 17 of maps, Pg. 56, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-001 037-4826-101)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven(7%) per cent per annum, said interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of the California Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said lien be delivered to the Stanislaus County Auditor, who shall enter the amount thereof on the County Assessment Book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Director of Finance shall annually deliver said notice of lien to the County Auditor before the date fixed by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(Installment)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-751

A RESOLUTION GRANTING AN EXEMPTION TO THE MODESTO UNION
GOSPEL MISSION FROM PAYMENT OF CAPITAL FACILITIES FEES FOR
EXPANSION OF THE MODESTO UNION GOSPEL MISSION.

WHEREAS, the Modesto Union Gospel Mission made an application for an exemption from CFF fees on October 31, 1991, and

WHEREAS, paragraph 3 of Resolution No. 91-90 provides for an exemption from CFF for any low income housing units constructed or expanded on a not for profit basis, and

WHEREAS, said paragraph 3 requires that such exemptions be granted by the City Council on a case by case basis after a public hearing, and

WHEREAS, on December 3, 1991, the City Council held a public hearing on the application of the Modesto Union Gospel Mission for such an exemption, and

WHEREAS, at the close of the public hearing, the City Council found and determined that:

1. The units to be constructed by the applicant were designated for use by the homeless and are, therefore, low income, and

2. That the development will be on a not for profit basis in that no rent will be charged.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants Modesto Union Gospel Mission's application for an exemption from Capital Facilities Fees for expansion of the Modesto Union Gospel Mission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, FOR TRAFFIC SIGNAL MODIFICATION AT COFFEE ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 91-595, adopted by the Council of the City of Modesto on September 17, 1991, approved the plans and specifications for traffic signal modification at Coffee Road and Orangeburg Avenue and authorized the calling for bids; and

WHEREAS, the bids received for traffic signal modification at Coffee Road and Orangeburg Avenue were opened at 11:00 a.m. on October 15, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Richard A. Heaps in the amount of $90,334 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Richard A. Heaps in the amount of $90,334 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-753

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL
BUDGET TO ESTIMATE AND APPROPRIATE NEW FEDERAL REVENUE FOR
A TRAFFIC SIGNAL PROJECT.

WHEREAS, the City is eligible to receive FAU funds for the
Coffee/Orangeburg Signal Modification, and

WHEREAS, this project is currently fully funded with CFF-streets
money in Fund 141, and

WHEREAS, the project is eligible to receive 85.14% of the cost of
construction and any engineering performed after the bid is awarded, and

WHEREAS, there has already been $6,184 spent on engineering that is
not eligible for FAU funding, and

WHEREAS, the original budget amount of $132,000, of this amount a
total of $20,950 is still needed to provide the required match, and

WHEREAS, this amount is arrived at as follows: the project bid
amount is $99,367.40 (contract $90,334 plus 10% engineering and contingency
$9,033.40), the required 14.86% of this is $14,766 plus the amount already
spent $6,184 provides a total of $20,950 to provided by CFF-streets money.
The FAU portion is estimated at $84,601, and

WHEREAS, this additional revenue will allow the CFF-streets portion
to be returned to the Contingency Reserve, and

WHEREAS, since this project now has FAU funding, the organization
number will be changed from P959 to G959,

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are
necessary:
CFF STREETS FUND (141)

<table>
<thead>
<tr>
<th>Fund/Agy/Org-Rev</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141-510-9510-3504 Federal Share of Street Projects (FAU)</td>
<td>$ 84,601</td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141-160-G959-6000 Coffee &amp; Orangeburg T/S Modification</td>
<td>$(26,449)</td>
<td></td>
</tr>
<tr>
<td>141-800-8000-8003 Contingency Reserve</td>
<td>$111,050</td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-754

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR INSPECTION DATA OF CITY STREETS.

WHEREAS, the City of Modesto has a Computerized Pavement Management System, and

WHEREAS, said system depends on inspection data to project the future maintenance needs of the City, and

WHEREAS, said system depends on inspection data to project the future maintenance needs of the City, and

WHEREAS, said system depends on inspection data to project the future maintenance needs of the City, and

WHEREAS, said inspection data will give the City up-to-date information to project maintenance needs and costs and will maintain the City's eligibility for the various types of State transportation funding, and

WHEREAS, the California State Department of Transportation (Caltrans) has made a biennial inspection of Collector and Major streets a prerequisite to receive certain types of transportation funding, and

WHEREAS, Administrative Directive No. 3.1 sets forth the procedures to be followed for selecting professional consultants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for qualifications and proposals for professional services to collect inspection data of city streets to provide the City with up-to-date information to project maintenance needs and costs, and to maintain the City's eligibility for various types of State transportation funding.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION APPROVING THE REQUEST OF ACME CONSTRUCTION COMPANY FOR REFUND OF $12,981.82 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Acme Construction Company for refund of $12,981.82 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-756

A RESOLUTION APPROVING THE REQUEST OF AMERICAN LUMBER COMPANY FOR REFUND OF $520.12 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of American Lumber Company for refund of $520.12 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-757

A RESOLUTION APPROVING THE REQUEST OF THE WARDEN'S OFFICE FOR REFUND OF $568.90 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of The Warden's Office for refund of $568.90 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-758

A RESOLUTION APPROVING THE REQUEST OF PRN TRANSCRIPTIONS FOR REFUND OF
$1,242.32 FOR OVERPAYMENT OF BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of PRN Transcriptions for refund of $1,242.32 for overpayment of Business License Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-759

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND INSIGHT AVIATION, INC. FOR THE LEASE OF HANGAR NO. 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Insight Aviation, Inc. for the lease of Hangar No. 2 at the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-760

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A GARDEN

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and George Frederickson for the lease of a portion of Fire Station No. 5 for a garden be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 91-761

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO STUDY ALTERNATIVES FOR REPLACEMENT OF THE GRIT SYSTEM AT THE WATER QUALITY CONTROL PLANT.

WHEREAS, the Water Quality Control Plant (WQCP) does not have an efficient grit removal system, and

WHEREAS, a study is needed to evaluate physical properties of grit entering the WQCP and grit accumulating in the digesters, and

WHEREAS, the study will also evaluate different types of grit systems and their costs, disposal options of accumulated grit, and a hydraulic analysis for site selection, and

WHEREAS, Brown and Caldwell has completed an odor control study which recommended odor elimination equipment to be included in the new grit system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to study alternatives for replacement of the grit system at the Water Quality Control Plant, which type of grit removal system is best suited in our Water Quality Control Plant, and to determine the location and alternative costs.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________

(SEAL)

APPROVED AS TO FORM:

By ________________________
STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-762

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATERLINES ON DALE ROAD; FRANZIA COURT/RENO AVENUE; AND EMERALD AVENUE/KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the installation of waterlines on Dale Road; Franzia Court/Reno Avenue; and Emerald Avenue/Kansas Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 7, 1992 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-763

A RESOLUTION APPROVING THE FINAL MAP OF THE HILLVIEW
ESTATES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, JFK Construction, Inc., a California corporation, is
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 1.349 acres, known as the Hillview Estates
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 7th day of January, 1991, and

WHEREAS, the Secretary of the Planning Commission of the City of
Modesto has certified that the final map of said tract substantially conforms
to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that
the final map of said Hillview Estates Subdivision meets all of the provisions
of the California Subdivision Map Act and the provisions of the Modesto
Municipal Code relating to subdivisions, and that the map is technically
correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said final map be approved; that the streets, alleys and easements as
shown thereon within the boundaries of said tract be accepted on behalf of the
public for public use; and that the City Clerk be authorized to certify the
map of said tract on behalf of the City of Modesto after the fees and deposits
required by the Modesto Municipal Code in amounts determined by the City
Engineer have been paid, and subdividers have furnished securities, as set
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the
obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratoe, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-764

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1991-92 TO TRANSFER NINE THOUSAND DOLLARS ($9,000) FROM THE SEWER FUND (FUND NO. 621) TO THE SERVICE DIVISION FUND (FUND NO. 720) TO UPSIZE A 3/4-TON PICKUP TRUCK TO A 1-TON MINI DUMP TRUCK.

WHEREAS, the City Council has authorized purchase of a 3/4-ton pickup for the Sewer Operations Fund, and

WHEREAS, it has been determined that an additional $9,000 will upgrade this 1/2-ton pickup to a 1-ton dump truck and increase efficiency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1991-92 Annual Budget is hereby amended to transfer Nine Thousand Dollars ($9,000) as follows:

Sewer Fund (Fund 621)
621-480-5212-0223 Maintenance & Repair ($9,000)

Service Division Fund (Fund 720)
720-480-5812-5350 1-ton dump truck $9,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91- 765

RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNEST P. GRAHAM DEVELOPMENT COMPANY FOR TRAFFIC MITIGATION IMPROVEMENTS AT THE CORNER OF STANDIFORD AVENUE AND CARVER ROAD

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and Ernest P. Graham Development Company for traffic mitigation improvements at the corner of Standiford Avenue and Carver Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1991, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-766

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL
ELECTION, A RUN OFF ELECTION BY MAIL BALLOT, HELD IN THE
CITY OF MODESTO ON DECEMBER 10, 1991, AND DECLARING THE
RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 5, 1991, a Regular Municipal Election
was held in the City of Modesto (herein called "City") and in the Modesto High
School District (herein called "District") of Stanislaus County, to elect one
Mayor for the City of Modesto for a term of four years; one Councilmember
(Chair No. 1) for a term of four years; one Councilmember (Chair No. 3) for a
term of four years; one Councilmember (Chair 5) to complete a four year term
expiring in 1993; and one Councilmember (Chair No. 6) for a term of four
years; and to elect three members to the Modesto Board of Education of said
District for a term of four years, and

WHEREAS, said election was held on Tuesday, November 5, 1991, in
accordance with law and the proceedings of this Council, and the votes thereat
received and canvassed, and the returns thereof ascertained, determined, and
declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said election in
accordance with law, and certified the results of the election to the Council
by a Certificate of Canvass and Statement of Votes dated November 5, 1991, a
copy of which is attached to Modesto City Council Resolution No. 91-676,
marked Exhibit "A" and on file in the office of the City Clerk, and

WHEREAS, at said Regular Municipal Election a majority vote was not
cast for Councilmember for Chair No. 6, and

030592

-1-

11421CA2
WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, a Second Regular Municipal Election, a run off election by mail ballot, was called to be held on Tuesday, December 10, 1991, and

WHEREAS, the two candidates receiving the highest number of votes at the November 5, 1991, Regular Municipal Election for Councilmember, Chair No. 6, Balvino Irizarry and Dave Cogdill, had their names placed on the ballot for election to the office of Councilmember, Chair No. 6, and

WHEREAS, said Second Regular Municipal Election was held in the City of Modesto on Tuesday, December 10, 1991, in accordance with law and the proceedings of this Council, to elect one Councilmember for a term of four years, Chair No. 6, and the votes thereafter received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk has canvassed the returns of said December 10, 1991, election in accordance with law and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 12, 1991,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.
2. That in accordance with Section 22933 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(c) For what office each person was voted for.
(e) The number of votes given in the city to each person.

3. That the following named person having received a majority of the votes cast for the elective office of Councilmember for a term of four years Chair No. 6 as designated on Exhibit "A", is hereby declared to be duly and regularly elected to such office and the City Clerk is hereby directed to issue a Certificate of Election to said person, certifying his election to the office appearing after his name, and to administer to said person the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of said City, to wit:

Dave Coggill
Councilmember for a term of four years Chair No. 6.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember __Irizarry___, who moved its adoption, which motion being duly seconded by Councilmember __Bird____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

STAN T. YAMAMOTO, City Attorney
CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO
SECOND REGULAR MUNICIPAL ELECTION

December 12, 1991

I, Judy C. Hall, Acting City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on December 12, 1991, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 10, 1991, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 6, Modesto City Council

Balvino Irizarry 10,538 40.7%
Dave Cogdill 15,302 59.2%

December 12, 1991

Judy C. Hall
Acting City Clerk & Auditor
City of Modesto
# Summary Report

**City of Modesto Special Run-Off Election**

- **City Council Chair (E1)** (%/PCT 1)
- **City of Modesto (%/RPT 1)**
- **(No. to vote for 1) (%/RP 100.0)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Goddill</td>
<td>15302</td>
<td>59.2%</td>
</tr>
<tr>
<td>Galvino Izarral</td>
<td>10538</td>
<td>40.7%</td>
</tr>
</tbody>
</table>

- **Total Voter Statistics (%/PCT 1)** (%/RPT 1)
- **(Voters RP 100.0)***

<table>
<thead>
<tr>
<th>Voter Registration</th>
<th>71679</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turnout</td>
<td>25862</td>
</tr>
</tbody>
</table>

**For Demonstration Use Only**
MODESTO CITY COUNCIL
RESOLUTION NO. 91-767

A RESOLUTION ORDERING THE FLEUR de VILLE REORGANIZATION TO
THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission
(LAFCO) by Resolution No. 91-31 dated October 23, 1991, approved the proposed
Fleur de Ville Reorganization to the City of Modesto upon condition that it be
processed as a reorganization pursuant to the provisions of the Government
Code of the State of California, and designated said Reorganization the
Fleur de Ville Reorganization, and

WHEREAS, said LAFCO Resolution No. 91-31 also modified the Modesto
Sphere of Influence to include the subject territory within the Modesto
Primary Area of Influence, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by
said resolution found that the territory included in the proposed
Fleur de Ville Reorganization is uninhabited territory, comprising an area of
76.47 acres, located on the northwest corner of Pelandale Avenue and Dale
Road, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by
said resolution ordered that said Reorganization consist of (a) the annexation
of said territory to the City of Modesto; (b) the detachment of said territory
from the Salida Fire Protection District; and (c) the annexation of said
territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by
said resolution designated, pursuant to Section 56852 of the Government Code
of the State of California, the City of Modesto as the conducting authority to
initiate reorganization proceedings for said Reorganization, and
WHEREAS, the reason for this annexation is as follows:

1. To minimize the number of governmental agencies providing services to the territory.

2. To comply with a sewer service agreement with the City of Modesto and Rule Development whereby the territory is serviced with City sewer service providing that the property owner proceed with annexing the territory to the City.

and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, the 17th day of December, 1991, at the hour of 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for hearing protests against said reorganization, and

WHEREAS, said public hearing was held on December 17, 1991, in the City Council Chambers, City Hall, 801 11th Street, Modesto, County of Stanislaus, State of California, and the Council of the City of Modesto did hear and pass the proposed reorganization, and

WHEREAS, no written protests were filed by any owners of land or registered voters within the affected territory at the conclusion of said hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Cortese/Knox Local Government Reorganization Act of 1985 have been complied with.
2. That the area or territory designated as the Fleur de Ville Reorganization is more particularly described on Exhibit A attached hereto and made a part hereof by reference as though set forth in full herein.

3. Said territory is hereby annexed to and made a part of the City of Modesto.

4. Said territory is hereby detached from the Salida Fire Protection District.

5. Said territory is hereby annexed to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer district.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution, stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency Formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

BE IT FURTHER RESOLVED that the mitigated negative declaration as to the environmental impact of this Reorganization has been previously reviewed and considered.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By

Public Works and Transportation
Department - Engineering Services
FLEUR DE VILLE REORGANIZATION
TO THE CITY OF MODESTO

DESCRIPTION

All that certain real property situate in portions of the
Southwest Quarter of Section 1, the Southeast Quarter of Section
2, Township 3 South, Range 8 East, Mount Diablo Base and
Meridian, in the County of Stanislaus, State of California
described as follows:

BEGINNING at the southeast corner of the Northeast Quarter of
said Southeast Quarter of Section 2, being also the Northeast
corner of the Pelandale No. 1 Addition to the City of Modesto;
thence South 89°57'00" West along the South line of the North
Half of said Southeast Quarter of Section 2, being also the
centerline of Pelandale Avenue and the North line of said
Pelandale No. 1 Addition a distance of 2,642.02 feet to the West
line of said Southeast quarter of Section 2; thence
North 0°16'16" East along said West line of the Southeast Quarter
of Section 2, a distance of 1,240.60 feet to the South line of
100 foot wide Modesto Irrigation District (MID) Lateral No. 6;
thence South 89°54'19" East along said South line of MID Lateral
No. 6 a distance of 2,642.93 feet to the West line of said
Southwest Quarter of Section 1; thence North 89°45'30" East along
said South line of MID Lateral No. 6, a distance of 50.00 feet to
the East line of Dale Road; thence South 0°18'54" West along said
East line of Dale Road a distance of 1,233.94 feet to the South
line of the North Half of said Southwest Quarter of Section 1;
thence South 89°45'30" West along said South line of the North
Half of Southwest Quarter of Section 1 a distance of 50.00 feet
to the point of beginning.

Containing: 76.47 Acres

Exhibit A
PROPOSED FLEUR DE VILLE REORGANIZATION
The bearing W 89°57'00" E for the center line of Pelandale Avenue as shown on map filed in Volume 14 of Surveys at Page 25, Stanislaus County Records.

1 S 89°57'00" W 2,642.02'  
2 N 0°16'16" E 1,240.60'  
3 S 89°54'19" E 2,642.93'  
4 N 89°45'30" E 50.00'  
5 S 0°18'54" W 1,233.94'  
6 S 89°45'30" W 50.00'

BASIS OF Bearings

FLEUR DE VILLE REORGANIZATION TO THE CITY OF MODESTO
76.47 ACRES

100' M.L.D. LATERAL NO. 6

FLEUR DE VILLE SUBDIVISION
BOOK 33, MAPS, PAGE 62
STANISLAUS COUNTY RECORDS

POINT OF BEGINNING

PREVIOUS ANNEXATION BOUNDARY

Pelan Dale No. 1 Addition Inst. 61430 FILED 3/29/78

Approved as to description on 10-31-91 by

BY

(363)
MODESTO CITY COUNCIL
RESOLUTION NO. 91-768

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO AND SUPERSEDING RESOLUTION NO. 90-921.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 90-921, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Solid Waste Committee by memorandum dated December 9, 1991, has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing January 1, 1992, and

WHEREAS, December 17, 1991, at 7:30 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revised schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised, that an increase of $0.63 per container would be justified, that additional containers should be increased from $6.00 to $7.00 per month, that no increase in commercial rates is needed, and the subsidy to each residential household on the initial garbage container should be reduced by $0.67,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Schedule of Rates and Charges, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective January 1, 1992, until revised by the City Council.

BE IT FURTHER RESOLVED that the City of Modesto shall subsidize each residential household $0.68 on the initial garbage container until revised from time to time after holding a public hearing.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 90-921 is hereby superseded, effective December 31, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: Cogdill
ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: STAN T. YAMAMOTO, City Attorney

121791 -2- 9571CA2
CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Monthly Rates
(Once a Week Pickup Service)

<table>
<thead>
<tr>
<th>Residential Garbage Collection Rates</th>
<th>Residential Rates Charged to Customers After City Subsidy</th>
</tr>
</thead>
<tbody>
<tr>
<td>One 60 gallon container $ 9.98</td>
<td>One 60 gallon container $ 9.30</td>
</tr>
<tr>
<td>One 90 gallon container 11.98</td>
<td>One 90 gallon container 11.30</td>
</tr>
<tr>
<td>Each additional container 7.00</td>
<td>Each additional container 7.00</td>
</tr>
</tbody>
</table>

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS
Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>25.30</td>
<td>42.60</td>
<td>58.90</td>
<td>75.20</td>
<td>91.50</td>
<td>107.80</td>
</tr>
<tr>
<td>1 1/2 CY</td>
<td>34.45</td>
<td>58.90</td>
<td>83.35</td>
<td>107.80</td>
<td>132.25</td>
<td>156.70</td>
</tr>
<tr>
<td>2 CY</td>
<td>42.60</td>
<td>75.20</td>
<td>107.80</td>
<td>140.40</td>
<td>173.00</td>
<td>205.60</td>
</tr>
<tr>
<td>3 CY</td>
<td>58.90</td>
<td>107.80</td>
<td>156.70</td>
<td>205.60</td>
<td>254.50</td>
<td>303.40</td>
</tr>
<tr>
<td>4 CY</td>
<td>75.20</td>
<td>140.40</td>
<td>205.60</td>
<td>270.80</td>
<td>336.00</td>
<td>401.20</td>
</tr>
<tr>
<td>5 CY</td>
<td>91.50</td>
<td>173.00</td>
<td>254.50</td>
<td>336.00</td>
<td>417.50</td>
<td>499.00</td>
</tr>
<tr>
<td>6 CY</td>
<td>107.80</td>
<td>205.60</td>
<td>303.40</td>
<td>401.20</td>
<td>499.00</td>
<td>596.60</td>
</tr>
</tbody>
</table>

DETACHABLE CONTAINER RENTAL RATES ARE INCLUDED IN ABOVE SCHEDULE

<table>
<thead>
<tr>
<th>- Detachable container size</th>
<th>1 CY to 6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly rental rate</td>
<td>10.00</td>
</tr>
</tbody>
</table>

DROP BOX CONTAINERS

<table>
<thead>
<tr>
<th>Pickup charge</th>
<th>Rental charge</th>
<th>Disposal charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>$80.00</td>
<td>2.00</td>
<td>Day with $46.00 maximum for each 30-day rental period</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Actual charge to be paid by customer</td>
</tr>
</tbody>
</table>

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS
Number of collections per week

<table>
<thead>
<tr>
<th>Front Loader Type</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 CY</td>
<td>72.40</td>
<td>144.80</td>
<td>217.20</td>
<td>289.60</td>
<td>362.00</td>
<td>434.20</td>
</tr>
<tr>
<td>4 CY</td>
<td>93.20</td>
<td>186.40</td>
<td>279.60</td>
<td>372.80</td>
<td>466.00</td>
<td>559.20</td>
</tr>
<tr>
<td>Roll-Off Type - 6 CY to 40 CY $83.50 per pickup</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washing of compactor at the request of customer $30. Disposal charge: Actual charge to be paid by customer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

EXTRA PICKUPS

<table>
<thead>
<tr>
<th>Standard containers or equivalent</th>
<th>$3.50 plus $0.60/container</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detachable containers</td>
<td>$8.00 plus $1.15/CY</td>
</tr>
</tbody>
</table>

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>1 CY</th>
<th>1 1/2 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.20</td>
<td>10.00</td>
<td>11.00</td>
<td>14.00</td>
<td>18.40</td>
</tr>
</tbody>
</table>

NOTATIONS

1. The above residential rates include the 10 cent per month per household recycling surcharge.
2. The above residential rates include the $0.68 per month subsidized rate paid by the City of Modesto.
MODESTO CITY COUNCIL
RESOLUTION NO. 91-769

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $24,000 FROM THE
CLARIFIER NO. 2 SAND BLAST AND RECOAT CIP ACCOUNT TO COMPLETE THE JEFFERSON
LIST STATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Clarifier #2 - Sandblast & Recoat $24,000
(621 480 P368 6000)

TO: Jefferson Street Lift Station Proj.
(621 480 P866 6000)

The project costs have increased due to unanticipated work related to
deteriorated manholes and conflicts with existing waterlines. The
conflicts associated with boring under the Southern Pacific Railroad
also increased inspection and engineering costs for the project.

The foregoing resolution was introduced at a regular meeting
of the Council of the City of Modesto held on the 17th day of
December, 1991, by Councilmember ________ Bird, who
moved its adoption, which motion being duly seconded by Councilmember
_______ Muratore, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore,
Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-770

A RESOLUTION ACCEPTING THE BID OF CENTRAL PUMP COMPANY FOR FURNISHING TWO CATWALKS AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 91-659, adopted by the Council of the City of Modesto on November 5, 1991, approved the plans and specifications for furnishing two catwalks at the Water Quality Control Plant and authorized the calling for bids; and

WHEREAS, the bids received for furnishing two catwalks at the Water Quality Control Plant were opened at 10:00 a.m. on November 25, 1991, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Central Pump Company in the amount of $45,231.57 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Pump Company in the amount of $45,231.57 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
A RESOLUTION ACCEPTING THE BIDS OF H.V. CARTER COMPANY AND RAMACHER MANUFACTURING FOR FURNISHING THREE DIESEL MOWERS

WHEREAS, Resolution No.91-642, adopted by the Council of the City of Modesto on October 22, 1991, approved the plans and specifications for the purchase of three diesel mowers and authorized the calling for bids; and

WHEREAS, the bids received for furnishing three diesel mowers were opened at 11:05 a.m. on November 18, 1991, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of H.V. Carter Co. and Ramacher Manufacturing for an estimated cost of $76,491 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of H.V. Carter Co. and Ramacher Manufacturing be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk
A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO RETAIN A CONSULTANT TO SELECT, DESIGN, AND IMPLEMENT THE CENTRALIZED TRAFFIC CONTROL SYSTEM IN THE CITY OF MODESTO.

WHEREAS, communications and computer traffic signal control systems technology has improved significantly in recent years, and the number of system configurations that are available have increased considerably, and

WHEREAS, in light of recent innovations and availability of various new communication mediums, staff feels that, prior to committing to any one centralized traffic control system, the available options should be carefully judged and weighed for the highest benefit to the City, and

WHEREAS, due to the complexity involved in providing cost effective state-of-the-art communication between the traffic signals and the central computer, City staff has recommended that an experienced expert in the field should be retained to lead the City through the design and implementation process, and

WHEREAS, City staff has further recommended that consultant should provide the following services:

1. Take an inventory of existing traffic signal network.
2. Develop a conceptual design of the communication hardware for the centralized traffic signal control system.
3. Evaluate available software for system control.
4. Develop cost estimates.
5. Recommend preferred alternative and software.
6. Develop detailed design plans and specifications for a partial system to include up to three arterial street (limited by funds in the current budget).
7. Help City in retaining a contractor to install the communication hardware.

8. Provide construction inspection, energize the system to full operation and troubleshoot.

9. Train City staff on both operation and maintenance.

and

WHEREAS, the cost for consultant to provide the above services is estimated to be $75,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to retain a consultant to select, design, and implement the centralized traffic control system in the City of Modesto not to exceed $75,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Cogdill, Dobbs

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST:

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-772

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO RETAIN A CONSULTANT TO SELECT, DESIGN, AND IMPLEMENT THE CENTRALIZED TRAFFIC CONTROL SYSTEM IN THE CITY OF MODESTO.

WHEREAS, communications and computer traffic signal control systems technology has improved significantly in recent years, and the number of system configurations that are available have increased considerably, and

WHEREAS, in light of recent innovations and availability of various new communication mediums, staff feels that, prior to committing to any one centralized traffic control system, the available options should be carefully judged and weighed for the highest benefit to the City, and

WHEREAS, due to the complexity involved in providing cost effective state-of-the-art communication between the traffic signals and the central computer, City staff has recommended that an experienced expert in the field should be retained to lead the City through the design and implementation process, and

WHEREAS, City staff has further recommended that consultant should provide the following services:

1. Take an inventory of existing traffic signal network.
2. Develop a conceptual design of the communication hardware for the centralized traffic signal control system.
3. Evaluate available software for system control.
4. Develop cost estimates.
5. Recommend preferred alternative and software.
6. Develop detailed design plans and specifications for a partial system to include up to three arterial street (limited by funds in the current budget).
7. Help City in retaining a contractor to install the communication hardware.

8. Provide construction inspection, energize the system to full operation and troubleshoot.

9. Train City staff on both operation and maintenance.

and

WHEREAS, the cost for consultant to provide the above services is estimated to be $75,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to retain a consultant to select, design, and implement the centralized traffic control system in the City of Modesto not to exceed $75,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: Bird, Dobbs, Cogdill

ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-773

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE TERM OF AN AGREEMENT WITH TUOLUMNE RIVER INTERCITY PASSENGER SERVICE, INC.

WHEREAS, the City of Modesto and Tuolumne River Intercity Passenger Service, Inc., (hereinafter referred to as TRIPS) have entered into an agreement dated October 14, 1986, pursuant to which TRIPS provides bus drivers and other personnel and operates a bus service for the City of Modesto, and

WHEREAS, on September 24, 1991, an Amendment to Agreement was entered into by City and Trips, and

WHEREAS, said Amendment to Agreement extended the term of said Agreement to May 2, 1992, and

WHEREAS, pursuant to the provisions of Section 1 of said Amendment to Agreement, the City of Modesto may require TRIPS to continue to provide bus drivers and other personnel and operate a bus service for the City of Modesto after the end of the term of said Agreement, on the terms set forth therein, on a month-to-month basis not to exceed three additional months, and

WHEREAS, the City of Modesto desires to require TRIPS to continue to provide bus drivers and other personnel and operate a bus service for the City of Modesto up to and including May 31, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the City Manager to extend the term of the above referred to Amendment to Agreement to May 31, 1992.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR A FIVE-YEAR CONTRACT TO PROVIDE DRIVERS AND OTHER PERSONNEL TO OPERATE THE MODESTO AREA EXPRESS BUS SYSTEM.

WHEREAS, on September 24, 1991, the Council authorized City staff to work with the City-County Joint Transportation Committee to develop a Request for Proposals for the Modesto Area Express (MAX) operations contract, and

WHEREAS, the City-County Joint Transportation Committee has recommended that City staff be authorized to solicit proposals from firms interested in a contract to operate the MAX fixed-route bus system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has considered the recommendations of the City-County Joint Transportation Committee and it hereby authorizes City staff to issue a request for proposals for the Modesto Area Express (MAX) operations contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

121791 11268CA2
RESOLUTION NO. 91-775

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE EAST LA LOMA NEIGHBORHOOD PARK GROUP PICNIC SHADE STRUCTURE PROJECT.

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state, and

WHEREAS, the proposed East La Loma Neighborhood Park Group Picnic Shade Structure project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan – 1988, and

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance, and

2. Certifies that said agency has matching funds from the following source(s) Fund 140, Park Fund, and can finance 100 percent of the project, half of which will be reimbursed, and
3. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project, and

4. Appoints the City Manager as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-776

A RESOLUTION ACCEPTING $52,614 IN FUNDING UNDER THE CALIFORNIA COASTAL, WILDLIFE, AND PARK LAND CONSERVATION BOND ACT OF 1988, ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM, FOR CONSTRUCTION OF A UTILITY/REST ROOM BUILDING AT WESSON RANCH NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE PROJECT AGREEMENT.

WHEREAS, the City of Modesto has submitted a grant application to the State of California Department of Parks and Recreation under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program of the State 1988 Bond Act for consideration for funding during Fiscal Year 1990-91, and

WHEREAS, the City of Modesto has received notification that its grant application for construction of a utility/rest room building at Wesson Ranch Neighborhood Park has been approved,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby accept the California Coastal, Wildlife, and Park Land Conservation Bond Act of 1988 grant funds in the amount of $52,614 for the construction of a utility/rest room building at Wesson Ranch Neighborhood Park.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-777

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY TEMPORARY SHELTER SERVICES TO PROVIDE HOMELESS TRANSITIONAL HOUSING COUNSELING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Community Temporary Shelter Services to provide homeless transitional housing counseling

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-778

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HUD TO LEASE WITH OPTION TO PURCHASE, A SINGLE-FAMILY HOME FOR HOMELESS TRANSITIONAL HOUSING

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and HUD, to lease, with option to purchase, a single-family home for homeless transitional housing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-779

A RESOLUTION AMENDING THE 1991-92 ANNUAL BUDGET OF THE
CITY OF MODESTO TO TRANSFER SIX THOUSAND FOUR HUNDRED
FIFTEEN ($6,415) DOLLARS FROM THE POLICE ASSET FORFEITURE
TRUST ACCOUNT.

WHEREAS, the sum of Six Thousand Four Hundred Fifteen ($6,415)
Dollars is available in the Police Asset Forfeiture Trust Account, and

WHEREAS, the Council desires to transfer said sum to the General
Fund Police Department and appropriate it for the acquisition of a Video
Printer and a Fume Hood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 1991-92 Annual Budget be amended as follows:

General Fund (Fund 010)

Revenue
010-190-0000-7202 Asset Seizures $6,415

Expenditures
010-190-1901-5038 Video Printer $ 912
010-190-1901-5038 Fume Hood $5,503

BE IT FURTHER RESOLVED that the Finance Director is hereby
authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December 1991, by Councilmember Irizarry, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Friedman, Irizarry, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904, et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees, and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90, and

WHEREAS, the current Air Quality Facilities component of the Capital Facilities Fee is collected in part to fund a $3.2 million Traffic Signal Synchronization Project, and

WHEREAS, fees are not accumulating in the Air Quality Facilities Fund at a rate that will allow completion of the Traffic Signal Synchronization Project in the near future, and

WHEREAS, it is in the best interests of the City to complete the Traffic Signal Synchronization Project as soon as possible, and

WHEREAS, the Traffic Signal Synchronization Project can be completed sooner if the project is taken off of the list of projects to be funded by the Air Quality Facilities Component of the Capital Facilities Fee and transferred to the list of projects to be funded by the Streets Facilities Component of the Capital Facilities Fee, and

WHEREAS, such a transfer will result in the Air Quality Facilities Component of the Capital Facilities Fee being decreased by $30 per trip end and a corresponding increase in the same amount of the Streets Facilities Component of the Capital Facilities Fee, and
WHEREAS, the total Capital Facilities Fee will be the same before and after such a transfer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Subparagraphs 2(f), 2(h), and 2(i) of Resolution No. 88-649, as amended by Resolution No. 89-373, Resolution No. 89-986, Resolution No. 89-1132, and Resolution No. 91-90 are hereby amended to read as follows:

(f) Air Quality Facilities Fee $70 per trip end

The total trip ends and the total fee for Air Quality Facilities is to be determined as set forth in paragraph 2(i).

(h) Streets Facilities Fee $2,405 per trip end

Total trip ends and the total fee for Streets Facilities is to be determined as set forth in paragraph 2(i).

(i) For purposes of determining trip ends and the total resulting fee for the Streets, Air Quality, and Public Transportation Components only of the Capital Facilities Fee, the land use categories, peak hour trip rates, adjustment factors, and adjusted peak hour trip rates and land use type definitions set forth below shall apply:
<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Land Use Type</th>
<th>Peak Hour Trip Rate</th>
<th>Adjusted Peak Hour Trip Rate</th>
<th>Peak Hour Fees $2,405</th>
<th>Peak Hour Fees $44</th>
<th>Peak Hour Fees $70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Senior Housing DU</td>
<td>0.40</td>
<td>1.00</td>
<td>0.40</td>
<td>962</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Single Family DU</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td>2,405</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>Multiple DU/Room</td>
<td>0.67</td>
<td>1.00</td>
<td>0.67</td>
<td>1,611</td>
<td>29</td>
</tr>
<tr>
<td>Industrial</td>
<td>Manuf/Lnd/IndPk 1000 sf</td>
<td>0.75</td>
<td>0.75</td>
<td>0.56</td>
<td>1,353</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>WH/Distr/HvyInd 1000 sf</td>
<td>0.20</td>
<td>0.75</td>
<td>0.15</td>
<td>361</td>
<td>7</td>
</tr>
<tr>
<td>Office</td>
<td>Medical Office 1000 sf</td>
<td>3.60</td>
<td>0.75</td>
<td>2.70</td>
<td>6,408</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>General Office 1000 sf</td>
<td>2.00</td>
<td>0.75</td>
<td>1.50</td>
<td>3,608</td>
<td>66</td>
</tr>
<tr>
<td>Commercial</td>
<td>Conv Market 1000 sf</td>
<td>71.00</td>
<td>0.15</td>
<td>10.65</td>
<td>25,613</td>
<td>449</td>
</tr>
<tr>
<td></td>
<td>Restaurants: Fast Food 1000 sf</td>
<td>43.00</td>
<td>0.15</td>
<td>6.45</td>
<td>15,512</td>
<td>284</td>
</tr>
<tr>
<td></td>
<td>High Turnover 1000 sf</td>
<td>19.93</td>
<td>0.20</td>
<td>3.99</td>
<td>9,586</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>Low Turnover 1000 sf</td>
<td>7.25</td>
<td>0.30</td>
<td>2.18</td>
<td>5,231</td>
<td>96</td>
</tr>
<tr>
<td></td>
<td>Retail: &lt; 50,000 sf 1000 sf</td>
<td>12.36</td>
<td>0.15</td>
<td>1.85</td>
<td>4,459</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>50-99,999 sf 1000 sf</td>
<td>7.51</td>
<td>0.20</td>
<td>1.50</td>
<td>3,612</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>100-300,000 sf 1000 sf</td>
<td>4.17</td>
<td>0.30</td>
<td>1.25</td>
<td>3,009</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>&gt;300,000 sf 1000 sf</td>
<td>3.44</td>
<td>0.35</td>
<td>1.20</td>
<td>2,896</td>
<td>53</td>
</tr>
<tr>
<td>Financial</td>
<td>Bank 1000 sf</td>
<td>24.00</td>
<td>0.15</td>
<td>3.60</td>
<td>8,658</td>
<td>158</td>
</tr>
<tr>
<td></td>
<td>Savings &amp; Loan 1000 sf</td>
<td>6.10</td>
<td>0.30</td>
<td>1.83</td>
<td>4,401</td>
<td>81</td>
</tr>
<tr>
<td>Misc.</td>
<td>Car Wash-manual Stall</td>
<td>4.80</td>
<td>0.30</td>
<td>1.44</td>
<td>3,463</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>Church 1000 sf</td>
<td>0.64</td>
<td>0.15</td>
<td>0.10</td>
<td>231</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Day Care Center 1000 sf</td>
<td>12.30</td>
<td>0.05</td>
<td>0.62</td>
<td>1,479</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Hospital 1000 sf</td>
<td>1.58</td>
<td>0.75</td>
<td>1.19</td>
<td>2,850</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Mini-Warehouse 1000 sf</td>
<td>0.26</td>
<td>0.30</td>
<td>0.08</td>
<td>188</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Nursing Home 1000 sf</td>
<td>0.27</td>
<td>0.15</td>
<td>0.04</td>
<td>97</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Service Station Pump</td>
<td>3.63</td>
<td>0.30</td>
<td>1.09</td>
<td>2,619</td>
<td>48</td>
</tr>
<tr>
<td>Recreational</td>
<td>Golf Course Acre</td>
<td>0.39</td>
<td>0.30</td>
<td>0.12</td>
<td>281</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Movie Theater 1000 sf</td>
<td>6.14</td>
<td>0.30</td>
<td>1.34</td>
<td>4,430</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>Racquet Club Court</td>
<td>3.94</td>
<td>0.30</td>
<td>1.18</td>
<td>2,843</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Tennis Courts Court</td>
<td>3.43</td>
<td>0.30</td>
<td>1.03</td>
<td>2,475</td>
<td>45</td>
</tr>
</tbody>
</table>

Notes:
1. Uses included in each land use type are specified in the LAND USE TYPE DEFINITIONS LIST.
2. Uses not specified in the DEFINITIONS LIST shall be charged at rates determined by the Director of Public Works and Transportation, using trip generation estimates acceptable to the Director.
3. Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)
4. Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Public Works and Transportation Department.
5. The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.
6. The Streets Fee per Peak Hour Trip End of $2,405 is calculated from the adjusted trip generation data of the Dowling Citywide Traffic Impact Analysis and the total CFF Improvement Projects Cost.
7. For restaurants of 2,500 sf or less apply the appropriate Retail category rate based on the size of the retail center within which it is located.
2. The Traffic Signal Synchronization Project with a cost estimate of $3.2 million is hereby deleted from the list of projects to be funded by the Air Quality Facilities Component of the Capital Facilities Fee and transferred to the list of projects to be funded by the Streets Facilities Component of the Capital Facilities Fee.

3. The City Council finds that the adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it does not result in a net increase in total Capital Facilities Fees. No new projects will be funded. Therefore, it is reasonably certain that this resolution which merely transfers the funding source for one previously approved project from the Air Quality Component of the Capital Facilities Fee to the Streets Facilities Component of the Capital Facilities Fee will not have any possibility of causing a significant effect on the environment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember ________________, who moved its adoption, which motion being duly seconded by Councilmember ________________, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________, Acting City Clerk

APPROVED AS TO FORM:

By ________________, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-781

A RESOLUTION SUMMARILY VACATING AND ABANDONING A PORTION OF THE PUBLIC UTILITY EASEMENT IN BLOCK 9051 IN THE RIVER TERRACE SUBDIVISION IN THE CITY OF MODESTO PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request from Kaufman and Broad Central Valley, Inc. to abandon portion of the 10-foot wide public utility easement straddling the lot line between Lots 17 and 18 in Block 9051 of the River Terrace Subdivision in the City of Modesto, as the roofs of the houses designed for said subdivision encroach into said easement and said easement is no longer needed, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate excess easements, and

WHEREAS, said easement referred to above on the real property located in the River Terrace Subdivision in Block 9051 in the City of Modesto is more particularly described in Exhibit "A", attached hereto, and

WHEREAS, letters have been received from Pacific Bell, Pacific Gas and Electric, Post-Newsweek Cable, and the Turlock Irrigation District stating that they have no facilities in the area to be abandoned and that they have no objection to the abandonment, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is located in the River Terrace Subdivision in Block 9051 in the
City of Modesto, has been superseded by relocation and there are no other public facilities located within the easement.

3. That from and after the date this resolution is recorded, the portion of public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of the public utility easement located in the River Terrace Subdivision in Block 9051 in the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 17th day of December, 1991, by Councilmember Bird, who moved its adoption, which motion
being duly seconded by Councilmember Dobbs, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Cogdill, Friedman, Muratore, Patternen, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Christensen, City Attorney

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, Engineering
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the North half of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lot 17 and 18 in Block 9051 of the RIVER TERRACE Subdivision, as per map filed November 9, 1990 in Book 35 of Maps, Page 38, Stanislaus County Records, described as follows:

Commencing at the Southwestern corner of said Lot 17; thence along the Southeastern line of Lot 17, said line being the Northwesterly line of Hatch Road, North 71° 14' 42" East, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Northeasterly from the Southwestern line of Lot 17; thence along said parallel line, North 18° 45' 18" West, 10.00 feet, to a point on a Northwesterly line of a 10.00 foot public utility easement in said Block 9051 and the true point of beginning of this description; thence continuing along said parallel line, North 18° 45' 18" West, 80.00 feet, to a point on the Southeasterly line of a 10.00 foot public utility easement in Block 9051; thence along said Southeasterly line of the public utility easement, said line being parallel with and 10.00 feet, measured at right angles, Southeasterly from the Southeastern line of Fall River Drive, South 71° 14' 42" West, 10.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Southwesterly from the Northeastern line of said Lot 18; thence along said last mentioned parallel line, South 18° 45' 18" East, 80.00 feet, to a point on said Northwesterly line of the 10.00 foot public utility easement in Block 9051; thence along said Northwesterly line of the public utility easement, said line being parallel with and 10.00 feet, measured at right angles, Northwesterly of said Northwesterly line of Hatch Road, North 71° 14' 42" East, 10.00 feet, to the point of beginning.

EXHIBIT "A"
VACATE AND ABANDON A PORTION OF THE PUBLIC UTILITY EASEMENT IN BLOCK 9051 LD 91-G

CITY of MODESTO ENGINEERING DEPARTMENT

ACTIVITY NO. 4-A-751
A RESOLUTION ACCEPTING THE BID OF POLLOCK AND DENICO INC., FOR CONSTRUCTION OF THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING

WHEREAS, Resolution No. 91-678, adopted by the Council of the City of Modesto on November 12, 1991, approved the plans and specifications for the Johansen High School pedestrian overcrossing and authorized the calling for bids; and

WHEREAS, the bids received for the Johansen High School pedestrian overcrossing were opened at 11:00 a.m. on December 10, 1991, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works has recommended that the bid of Pollock and Denico Inc. in the amount of $1,103,734 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pollock and Denico Inc. in the amount of $1,103,734 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-783

A RESOLUTION AMENDING THE FISCAL YEAR 1991-92 ANNUAL BUDGET TO ADJUST ESTIMATED REVENUE AND APPROPRIATIONS FOR THE JOHANSEN HIGH SCHOOL PEDESTRIAN OVERCROSSING AND THE CREEKWOOD TRAFFIC SIGNAL, AND TO APPROPRIATE FUNDING FOR THE CLAUS ROAD IMPROVEMENTS PROJECT.

WHEREAS, the overcrossing project was originally budgeted in the 1990-91 and 1991-92 CIP with a total cost of $1,405,000; funded as follows: Gas Tax Fund (070) - $558,000, City Schools $847,000. The project came in low, it is necessary to reduce the project by $77,700, reduce estimated School revenue by $95,459 and increase funding from Fund 070 by $17,759, and

WHEREAS, the total budget for the Pedestrian Overcrossing is $1,327,300, funded as follows: Gas Tax Fund (070) $575,759, Modesto City Schools $751,541. The final amount paid by the Modesto City Schools will be 60% of the actual cost of the project, and

WHEREAS, the Creekwood Traffic Signal was originally budgeted in the 1991-92 CIP for an amount of $150,000 funded as follows: Gas Tax Fund (070) $103,000, Modesto City Schools $47,000. The developer has contributed $57,000 in Fund 130 for this signal; therefore a transfer from Fund 130 is required. The estimates for this project came in low. The budget needs to be reduced $55,000 and funding adjusted as follows: Modesto City Schools reduce $29,234; Fund 070 reduce $82,766, transfer in from Fund 130 increase $57,000, and

WHEREAS, the total project is budgeted at $95,000 funded as follows: Gas Tax Fund (070) $20,234; Modesto City Schools $17,766 and Special Fund for Capital Outlays (130) $57,000. The final amount paid by the Modesto City Schools will be 50% of the actual cost above the developer contribution of $57,000, and
WHEREAS, it is necessary to fund a new CIP project in conjunction with the overcrossing project. The new project is Claus Road Expressway Improvements. These improvements are fully funded by Capital Facility Fees. The total estimated cost of this project is $57,820.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments are necessary:

GAS TAX FUND (070)

<table>
<thead>
<tr>
<th>Fund/Agy/Org/Revenue</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>070-430-P931-6000</td>
<td>($77,700)</td>
</tr>
<tr>
<td>070-430-B900-6000</td>
<td>($55,000)</td>
</tr>
<tr>
<td>070-800-8000-8003</td>
<td>65,007</td>
</tr>
<tr>
<td>130-700-7000-7070</td>
<td>57,000</td>
</tr>
<tr>
<td>130-800-8000-8003</td>
<td>($57,000)</td>
</tr>
<tr>
<td>141-430-B511-6000</td>
<td>57,820</td>
</tr>
<tr>
<td>141-800-8000-8003</td>
<td>($57,820)</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>070-510-9510-4057</td>
<td>($124,693)</td>
</tr>
<tr>
<td>070-700-7000-9130</td>
<td>57,000</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-784

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR UPDATING SUBMERSIBLE SEWAGE STATIONS - COLDWELL AVENUE, FAIRMONT AVENUE AND ATHENS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for updating submersible sewage stations - Coldwell Avenue, Fairmont Avenue and Athens Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 23, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-785

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL CONSTRUCTION AT CLAUS ROAD AND ORANGEBURG AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for traffic signal construction at Claus Road and Orangeburg Avenue, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 14, 1992, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-786

A RESOLUTION REPEALING A FEE IN CONNECTION WITH MAINTENANCE OF ROCKWELLS AND RESCINDING RESOLUTION NO. 90-846.

WHEREAS, City Council Ordinance No. 2776-C.S. which became effective on August 1, 1991, amended the Modesto Municipal Code to provide for Storm Drainage and Surface Water Runoff Management, and Resolution No. 91-425 adopted on June 25, 1991, established a Storm Drain Surcharge, which said Storm Drain Surcharge is collected for the purpose of maintaining the storm drain system within the City, including rockwell areas, therefore, Resolution No. 90-846 is no longer needed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 90-846 adopted on October 16, 1990 relating to the Rockwell Maintenance Fee is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember _____ Muratore____, who moved its adoption, which motion being duly seconded by Councilmember _____ Bird______, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 91-787

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 90-837.

WHEREAS, upon request, copies of various maps and prints are made available to the public by various departments of the City, and

WHEREAS, the Council has previously established fees and charges for obtaining said maps and prints, and

WHEREAS, City staff has determined that pursuant to the State Attorney General's review dated April 11, 1991, the City's Document Retrieval Fee is no longer a permissible fee, as the Attorney General concluded that an agency in fulfilling public records requests may not charge a fee to defray the public entity's cost in having staff search through records and retrieve those records requested,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. FEES AND CHARGES: The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for copies of various maps and prints listed thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to governmental agencies which obtain copies of maps and prints.


SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after December 24, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A. Mylar $ 7.50
B. Sepia $ 1.35
C. Blue-line $ .28

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee $ .90/map, drawing, photo, etc.

SEPIA REPRODUCTION

The cost of reproduction on sepia of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee $ .26/s.f.

MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee $3.50/map, drawing, photo, etc.

DRY SILVER PRINT FROM MICROFILM

The cost of producing a dry silver print from microfilm on equipment maintained by the Engineering Department shall be on a per image basis, plus sales tax.

Fee $3.00/image
MODESTO CITY COUNCIL
RESOLUTION NO. 91-788

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JHK & ASSOCIATES TO CONDUCT A FEASIBILITY STUDY OF THE CARPENTER/BRIGGSMORE OVERPASS SOUTHBOUND ON-RAMP

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and JHK & Associates to conduct a feasibility study of the Carpenter/Briggsmore overpass southbound on-ramp be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: ________________________

JOHN C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-789

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,000 TO FUND THE CARPENTER/BRIGGSMORE OVERPASS SOUTHBOUND ON-RAMP FEASIBILITY STUDY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Gas Tax Contigency Reserve (070 800 8000 8003) $3,000
TO: Briggsmore Overpass On-Ramp Preliminary Design (070 430 P581 6000) $3,000

The original budget for this project is not sufficient to cover both the cost of the consultant's services and City staff administrative expenses. An additional $3,000 is needed from reserves to fund this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY C. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-790
AMENDED
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER
AND COMPANY EXTENDING CONTRACT REGARDING 9TH STREET TRAIN REMOVAL PROJECT

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the amended agreement between the City of Modesto and DeLeuw, Cather and Company extending the contract regarding the 9th Street train removal project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: JUDY L. HALL, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 91-791

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) FOR THE PROVISION OF ABANDONED VEHICLE ABATEMENT SERVICES

BE IT HEREBY RESOLVED BY THE Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Area Association of Governments (SAAG) for the provision of abandoned vehicle abatement services be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of December, 1991, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers:  Bird, Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES:    Councilmembers:  None

ABSENT:  Councilmembers:  Patterson

ATTEST:  Judy C. Hall, Acting City Clerk